

EXHIBIT H

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IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

MARNIE O'BRIEN,)
)
Plaintiff,)
) Civil Action No.
v.) 19-06078 JMG
)
MIDDLE EAST FORUM,)
)
DANIEL PIPES)
(individually), and GREGG)
ROMAN (individually),)
)
Defendants.)

GREGG ROMAN,)
)
Counterclaim and)
Third-Party)
Plaintiff,)
)
v.)
)
MARNIE O'BRIEN,)
)
Counterclaim)
Defendant.)

DEPOSITION OF MARNIE O'BRIEN
TAKEN ON JANUARY 14, 2021

WILCOX & FETZER
Registered Professional Reporters
1330 King Street
Wilmington, Delaware 19801
(302) 655-0477
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1 Deposition of MARNIE O'BRIEN via
2 remote videoconferencing of all
3 participants taken pursuant to notice
4 beginning at 9:09 a.m., on Thursday,
5 January 14, 2021, before Kurt A.
6 Fetzer, Registered Diplomate Reporter
7 and Notary Public.

8 APPEARANCES:

9 ERICA A. SHIKUNOV, ESQ.
DEREK SMITH LAW GROUP, PLLC
10 1835 Market Street - Suite 2950
Philadelphia, Pennsylvania 19103
11 For the Plaintiff/Counterclaim
Defendant Marnie O'Brien

12 MARGARET M. DiBIANCA, ESQ.
13 CLARK HILL PLC
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14 Suite 710
Wilmington, Delaware 19801
15 - and -

JAKOB F. WILLIAMS, ESQ.
16 CLARK HILL PLC
Two Commerce Square
17 2001 Market Street - Suite 2620
Philadelphia, Pennsylvania 19103
18 For the Defendants and
Counterclaim Third-Party Plaintiff

19 ALSO PRESENT:

20 MARC FINK, ESQ.
MATTHEW MAINEN, ESQ.
21 IN-HOUSE COUNSEL - MIDDLE EAST FORUM

22 DANIEL PIPES
GREGG ROMAN
23 JON CAVALIER
JASON BROCKMAN, PARALEGAL
24 CHRIS WEISS CALHOUN, VIDEOGRAPHER



1 - - - - -

2 THE COURT REPORTER: Will
3 counsel stipulate to the admissibility
4 of my oath via remote video-
5 conferencing?

6 MS. DIBIANCA: Yes.

7 MS. SHIKUNOV: Yes.

8 THE VIDEOGRAPHER: We are on
9 the record. My name is is Chris Weiss
10 Calhoun, Certified Legal Videographer
11 retained by Lexitas.

12 This is a video deposition
13 in the United States District Court
14 Eastern District of Pennsylvania.
15 Today's date is January 14th of 2021.
16 The time on the monitor is 9:09 a.m.
17 Eastern Time.

18 The deposition is being held
19 virtually in the matter of Marnie
20 O'Brien versus Middle East Forum,
21 Daniel Pipes and Gregg Roman. The
22 deponent is Marnie O'Brien.

23 Will the attorneys please
24 state their appearance for the record?



1 MS. SHIKUNOV: Erica
2 Shikunov for plaintiff.

3 MS. DIBIANCA: And Molly
4 DiBianca behalf of the defendant.

5 THE VIDEOGRAPHER: And the
6 court reporter today is Kurt Fetzer and
7 will now administer the oath.

8
9 - - - - -

10
11 MARNIE O'BRIEN,
12 the deponent herein, having first
13 been duly sworn on oath, was
14 examined and testified as follows:

15 EXAMINATION

16 BY MS. DIBIANCA:

17 Q. Good morning, Ms. O'Brien. I'm
18 quite certain your counsel has done a
19 great job in getting you ready so I'm
20 not going to go into a whole bunch of
21 instructions other than to just
22 reiterate the need for us not to speak
23 on top of each other.

24 If I cut you off, it is not



1 my intention so if I do that I will
2 stop talking and you can continue. And
3 I'll just ask that you do the same for
4 me.

5 The other instruction that
6 I'll just note is just a matter of
7 civility. There are times inevitably
8 where the witness will nod or give a
9 non-verbal answer like a shake of the
10 head instead of a yes or a no. I'm
11 going to need you to say a yes or a no
12 if that's what you mean on the record
13 using words. So I may say did you mean
14 yes or no or did you mean yes?

15 And when I do that, I'm not
16 trying to be rude. I'm not trying to
17 suggest an answer to you. I just want
18 to make sure that we have a record that
19 has words.

20 So those are the only two
21 instructions. If there's any questions
22 at any time, let me know. If you need
23 to revise an answer, let me know.

24 We're going to take plenty



1 of breaks. I try not to go for longer
2 than an hour without a break, but you
3 or your counsel can request one at any
4 time. It's not a problem. All right.

5 Have you had your deposition
6 taken before?

7 A. No.

8 Q. Are you currently employed?

9 A. No.

10 Q. When was the last time you held
11 a job?

12 A. At the Middle East Forum.

13 Q. What income have you had since
14 you left the Forum?

15 A. I have a consulting business
16 that I always have done on the side.
17 It's small. It's not a substantial
18 amount of income.

19 I was supposed to have a new
20 job when quarantine hit. It didn't
21 happen. I was let go before I even
22 started, so I collected unemployment.

23 And then I had gotten my
24 real estate license. So I had sold a



1 couple of houses, dabbled in that a
2 little.

3 Q. I'm sorry. That something a
4 little?

5 A. I dabbled with the real estate a
6 little.

7 Q. Okay. Since you left the Middle
8 East Forum, how much have you earned as
9 a result of the consulting business?

10 A. I don't know. I would have to
11 look. I think, I think I sent that
12 over at some point.

13 Q. And the name of that business is
14 GC4, correct?

15 A. GC4 Consulting.

16 Q. And what type of work do you do
17 for that business?

18 A. Bookkeeping.

19 Q. When did you start that
20 business?

21 A. 2012.

22 Q. And are you the only person
23 involved in the business?

24 A. Yes.

1 Q. What does the name stand for,
2 GC4?

3 A. It's Group Consulting.

4 Q. What's the 4 stand for?

5 A. When I was originally doing it
6 there were four platforms. I had four
7 other -- actually, I had five. When I
8 started there were four.

9 I had four other women who
10 weren't happy in their jobs and, you
11 know, wanted to try to do something.
12 So each one of us had a platform. One
13 was operations. Mine was bookkeeping.
14 One was marketing and I think the other
15 was events.

16 And then one of the
17 marketing girls had -- her father-in-
18 law had been really good at advertising
19 so we brought him in. He was in for a
20 little while.

21 Q. And are those people involved
22 now?

23 A. No. They -- you know, it was
24 more or less what I had offered to them

1 was, you know, if they brought in that
2 business like I would get a percentage
3 of it for doing the back end of the
4 bookkeeping. And because it was my
5 business that was promoting it, I would
6 get like a certain chunk of it.

7 So they would have to sell
8 it basically and if they sold something
9 that they needed help with, they could
10 pull the other players in to help with
11 that. So everybody would basically be
12 trying to build their own business
13 under one umbrella and hopefully
14 providing work for one another.

15 Q. Okay. So you mentioned -- and
16 I'll circle back to what you testified
17 to about the other job that you had
18 lined up.

19 So you had a job lined up
20 when you resigned from MEF, correct?

21 A. Yes.

22 Q. And where was that job?

23 A. It was called 1 Creation
24 Construction.

1 Q. As in the number o-n-e 1?

2 A. I think they used both.

3 Q. But not like w-o-n?

4 A. No.

5 Q. Okay. One. Okay.

6 Tell me where they're
7 located?

8 A. They are in I think Cherry Hill,
9 like that area.

10 Q. Okay. What were you going to do
11 for them?

12 A. Bookkeeping, help them organize
13 their office and they kind of wanted me
14 to like manage their office and their
15 back end for them so that they could
16 get the, you know, the business in and
17 do the construction.

18 They did --

19 Q. Okay.

20 A. -- custom homes.

21 Q. Sorry. It's inevitable we'll
22 trip over each other a little bit.
23 It's inevitable via Zoom and I
24 apologize.

1 Would that have been a
2 full-time position?

3 A. Yes.

4 Q. And what would have been your
5 wages? Would it have been salary?

6 A. Yeah. They were going to pay me
7 salary 50,000 a year, but they were
8 putting me in a position so that I
9 could upsell their customers. Like if
10 they added on different things as a
11 result of them talking with me, I'd be
12 able to make money there.

13 And then they also wanted me
14 to -- they have a lot of people that
15 come to them that want a custom home
16 but they don't have a place to build it
17 so they wanted to help me find them
18 houses that they could customize or
19 knock down and redo so then I would
20 make money selling the houses.

21 Q. Okay. And you would be
22 utilizing your real estate license to
23 do that, correct?

24 A. Yes.



1 Q. What about benefits, did it come
2 with healthcare?

3 A. No. I would have had to do my
4 own.

5 Q. What would have been, what did
6 you expect your earning potential would
7 be there as far as the salary plus the
8 upselling part?

9 A. They were, they were pretty
10 excited about building their business
11 and they wanted to build it up pretty
12 big. So worst-case scenario I figured
13 if it didn't come out to where I was
14 making -- you know, I wanted to make
15 over a hundred. 130 is my goal.

16 So even if I didn't see that
17 working out, at least I would be out of
18 MEF and I would be able to, you know,
19 then I would try to look for something
20 else.

21 Q. When did you apply to that
22 employer?

23 A. I don't remember exactly. I
24 guess it was -- I don't know. I know

1 that I gave my notice I think February
2 29th, so it was prior to that in 2020.
3 So it was either -- and I think it took
4 a little while too. Like I met them
5 once. We talked a couple of times and
6 then they were thinking about trying to
7 see if they could afford me or whatever
8 and then they made an offer.

9 Q. Okay. So if I understand it
10 correctly -- and please do correct me
11 if I'm wrong -- your expectation for
12 that job was that you would get a
13 minimum income of the \$50,000 per year
14 with salary and that you had potential
15 to earn upwards of a hundred, in the
16 neighborhood of 130,000. Is that
17 right?

18 A. I mean I don't know if the
19 potential for that was there. I didn't
20 know, but I was going to take the
21 chance.

22 And I also had my consulting
23 business on the side so...

24 Q. Has your consulting business

1 taken a hit because of the pandemic?

2 A. No. I've done okay and I've
3 actually been concentrating on building
4 that up because I don't really want to
5 work for anybody.

6 Q. Okay. Have you taken any steps
7 to build that business up such as
8 advertising or networking, for example?

9 A. Networking.

10 Q. Networking. And are you
11 continuing to try to build that
12 business up?

13 A. Yes.

14 Q. And what was your expected start
15 date for the new position?

16 Was it 1 Construction? Was
17 that the name of it?

18 A. I think it was March 16th.

19 Q. 2020?

20 A. Mm-hmm.

21 Q. I need you to say yes.

22 A. Yes. Yes, 2020.

23 Q. Okay. That was our first little
24 practice there.

1 So it was March what again?

2 I'm sorry.

3 A. 16th.

4 Q. Okay.

5 A. I believe. I think it was the
6 Monday of that, so it might have been
7 15th, 16th, 17th, but it was the
8 Monday. I believe it was the exact day
9 that quarantine started.

10 Q. March 16th -- I'm looking at my
11 calendar -- is a Monday so that would
12 correspond with that. Okay.

13 And when did you -- did they
14 delay your start date when the
15 quarantine hit? Initially did they
16 delay it?

17 A. They delayed it inevitably.

18 Q. Okay.

19 A. Like they delayed it -- I'm
20 sorry. Not inevitably. That's the
21 wrong word.

22 But they delayed --

23 Q. Go ahead. Tell me what they
24 said when they called. That would

1 probably be easier than me suggesting a
2 word for you.

3 A. They said that they were shut
4 down because they were custom homes.
5 Even though they were I guess a
6 business that could still operate, they
7 were kind of handcuffed because they
8 couldn't get CO's. They couldn't get
9 approvals. They were having trouble
10 getting supplies.

11 So they were just completely
12 jammed up and they weren't in a
13 position to have somebody new come in.

14 Q. Okay. Did they tell you whether
15 they hoped -- was there is sort of a
16 tentative check-in date, like we will
17 see, hopefully we will be able to get
18 started again or was it just -- how was
19 it left?

20 A. They said -- well, I mean it was
21 quarantine. Nobody really knew what
22 was going to happen. I think all of us
23 were expecting that the world was going
24 to end and everyone was going to die at

1 that point.

2 So they left it that we'll
3 see and then we touched base, you know,
4 every so often. And then I just
5 started trying to focus on my
6 consulting.

7 Q. And this is likely stating the
8 obvious. But am I correct to say that
9 it never did come to fruition, they
10 never --

11 A. Correct.

12 Q. I'm correct?

13 A. Yes.

14 Q. Okay. Is that door still open
15 with them, in other words, if things
16 were to change in the pandemic in let's
17 say six months?

18 A. I think so.

19 Q. Okay. So nothing you did caused
20 you to not proceed with that job,
21 correct?

22 A. No.

23 MS. SHIKUNOV: Molly, can
24 reask that because you had a double

1 negative in it and I think --

2 MS. DIBIANCA: Sure. Sure.

3 Absolutely.

4 MS. SHIKUNOV: Thank you.

5 BY MS. DIBIANCA:

6 Q. So you did not cause -- I'll say
7 it actually in a better way.

8 The pandemic was the reason
9 you're not working for that company,
10 correct?

11 A. Yes.

12 Q. Now, at this time do you have
13 any plans to look for another job or
14 are you just sticking, planning to
15 stick with the consulting business?

16 A. I'm planning to stick with the
17 consulting business. If there was an
18 opportunity that presented itself and I
19 was comfortable with the person that
20 wanted to hire me, then I would think
21 about it. But right now my plan is
22 just to try to be growing the client
23 list for my consulting business and to
24 try to do some real estate on the side.

1 Q. Okay. Other than with 1
2 Construction, did you have any other
3 employment opportunities other than
4 your consulting business since leaving
5 MEF?

6 A. I had gotten a new client who
7 talks about hiring me in, but he is
8 either going to go out of business
9 or -- it's not, it's not a solid
10 business. There's a really good chance
11 he's going to go out of business.

12 So I said that I wanted to
13 continue consulting and then we could
14 talk about employment if he got to a
15 position where I would have a job
16 security.

17 Q. Is his question with regard to
18 going out of business or not, is that
19 also pandemic related?

20 A. I don't know what that is. He
21 was in bad shape before the pandemic so
22 I don't really know what the problem
23 was.

24 Q. All right. Let's talk about

1 your real estate license.

2 When did you obtain your
3 real estate license?

4 A. I can't -- I don't know exactly.
5 I know that I was supposed to go -- I
6 had told Gregg that I had wanted to do
7 that and the only way that I could do
8 it is I had to take a class. And I
9 could do it nights for like a month and
10 a half or something like that or I
11 could take two weeks and do a two-week
12 stint.

13 So it was too much for me.
14 I have two kids. I couldn't work all
15 day and then go to school all night
16 like that.

17 So I had asked him if I
18 could not be in the office and I just
19 worked in the morning before I went and
20 took care of my responsibilities for
21 work. That's what I planned to do and
22 then just do the class for the two
23 weeks.

24 And he had given me



1 permission to do that. And I was
2 supposed to start right when everything
3 happened. So Daniel was -- it was
4 actually the day, it was November 1st I
5 think that I was supposed to start that
6 class. And Daniel Pipes called a
7 mandatory meeting so I ended up pushing
8 the class back and I can't remember
9 exactly when I did it. I think I'm
10 going to say like maybe February or
11 March of 2019. I'm not exactly sure.

12 Q. Okay.

13 A. And I had asked Daniel Pipes if
14 he would be okay with me doing that and
15 I had explained to him that Gregg had
16 approved it and that I wasn't able to
17 do it because of everything that
18 happened and he okayed it.

19 Q. What state do you hold your
20 license in?

21 A. Jersey.

22 Q. And who are you affiliated with
23 as far as being a broker? What
24 organization or organizations?

1 A. Berkshire Hathaway.

2 Q. Okay. Have you been affiliated
3 with any other firm?

4 A. No. I am under -- in Berkshire
5 Hathaway I am under the Randy Knowles
6 team.

7 Q. Randy Miller? Is that what you
8 said?

9 A. Randy Knowles.

10 Q. Knowles, K-n-o-w-l-e-s?

11 A. Yes.

12 Q. How much of your time now is
13 devoted to real estate?

14 A. Very little. I got a few deals
15 just from people I know that asked me
16 to help them and I'm still learning it.
17 So I'm trying to do classes for that
18 like to learn more, but the Randy
19 Knowles team has an admin who when I
20 would get a deal she would basically
21 walk me through it.

22 Q. Do you know about how many deals
23 you've had since you've --

24 A. Three.



1 Q. Three total?

2 A. Mm-hmm.

3 Q. Is that a yes?

4 A. Yes. Sorry.

5 Q. That's okay.

6 Tell me why you thought
7 about getting your real estate license
8 in the first place. What prompted
9 that?

10 A. I always was interested in it
11 and I was doing the books for Lisa
12 Knowles because they have rental
13 properties. And so I was just always
14 interested in house flipping and rental
15 properties so I wanted to kind of
16 dabble in that.

17 Q. Was it ever your intention to do
18 that as a full-time job?

19 A. I mean if I got great at it
20 maybe, but I wanted to try it.

21 Q. You said that Mr. Roman and
22 Mr. Pipes or Dr. Pipes separately both
23 gave you approval to take that course
24 even though it required time away from

1 work, correct?

2 A. Yes.

3 Q. And did Mr. Roman at some point
4 during your employment also permit you
5 at your request to meet with clients
6 for your consulting business through
7 the workweek?

8 A. When I originally was hired he
9 told me that I would have flexibility
10 in my schedule, that I wouldn't have to
11 be pinned to my desk 9:00 to 5:00, that
12 Daniel's way of running an office is
13 that you're an adult. If your work is
14 done, then you can do what you want.
15 You can manage your time yourself.

16 He didn't care if you worked
17 in the middle of the night as long as
18 you were available if he needed you and
19 if your responsibilities were handled.

20 After I started it became
21 very clear to me that I felt like it
22 was a bait and switch because if I
23 wasn't at my desk at 9:00 o'clock, he
24 was on my phone where are you, where

1 are you, where are you, where are you?

2 So it really did fall off
3 and I didn't grow my business at all
4 while I worked there. I was just at
5 MEF and, you know, he was talking about
6 growing that to a 20-million-a-year
7 organization. So I was -- you know, I
8 enjoy startups and I was all in for
9 that.

10 Q. So during your employment with
11 MEF did you ask Mr. Roman for
12 permission to meet with your consulting
13 clients during the workweek?

14 A. I don't know that I did meet
15 with them during the workweek. There
16 may have been times, but I don't know
17 that I felt like I had -- if I didn't
18 or I did, I don't know that I needed
19 to. I was told that I could manage my
20 time myself.

21 Q. Okay. Again, just to be clear,
22 I'm not asking whether you did meet
23 with the clients.

24 I'm asking if you asked for



1 permission to be able to have the
2 flexibility to do that?

3 A. Yes. I told him when I started
4 that I had a consulting business and I
5 would need flexibility. It was after I
6 started that the flexibility was pulled
7 from me.

8 Q. Were you able to meet with
9 clients during the workweek?

10 A. No. Very rarely. If I did,
11 maybe, you know, rarely. I can't
12 remember at the time. I may have had
13 one that I would go to but...

14 Q. Did you maintain your consulting
15 business throughout your employment
16 with MEF?

17 A. Yes.

18 Q. And how did you do that without
19 meeting with your clients?

20 A. I would wake up at 5:00 o'clock
21 in the morning every morning. I would
22 meet with them at night. But, again, I
23 was supposed to have flexibility with
24 my job so I would try to be flexible

1 and maybe ask for a late start.

2 A lot of times instead of,
3 you know, I would start later, start
4 later, stay later or maybe start
5 earlier and leave early so that I could
6 get to the other client.

7 Q. During your employment with MEF
8 you had planned to go into business
9 with Mr. Roman at some point. Is that
10 correct?

11 A. He would take me to lunch and
12 say that he was going to start his own
13 business. And it was like I never
14 really understood what his business was
15 going to be because he never really was
16 clear about it. It was like secret spy
17 stuff and he was going to -- you know,
18 and I was like okay, you know, I am
19 okay with that, like let's do it.

20 And then he would have
21 another meeting about it and say
22 basically the same thing and not do
23 anything about it and then nothing
24 would happen.

1 Q. What kind of an organization was
2 it, was it for tax purposes? Was it a
3 501?

4 A. What organization?

5 Q. The one that he started, that he
6 had talked to you about starting.

7 A. I have no idea. He wasn't very
8 clear about what it was. He told me --

9 Q. Who -- go ahead.

10 A. He asked me if I would be
11 willing to take envelopes and deliver
12 them to people.

13 I said is it illegal? And
14 he said no.

15 I said well, then, why
16 wouldn't I?

17 Q. Was there any conversation about
18 how you would be compensated for that?

19 A. I don't remember. I mean he was
20 talking about an entrepreneurial
21 startup. I didn't put much stock into
22 it because he never gave any substance
23 to what they was doing. It was almost
24 like when I grow up I'm going to have

1 my own business. Do you want to be
2 landscapers? Do you know what I mean?

3 It just was not -- I didn't
4 put much effort or thought into it. I
5 didn't put any effort into it. I
6 didn't put much thought into it because
7 he didn't do anything.

8 Q. Did you discuss it with Matt
9 Bennett as well?

10 A. Yeah. He was always there. He
11 was going to be in the business too.

12 Q. You interviewed with the Kimmel
13 Center at some point, correct?

14 A. I did.

15 Q. And that was while you were
16 employed with MEF. Is that correct?

17 A. Yes.

18 Q. What was the position for which
19 you were interviewing?

20 A. It was an accounting position or
21 controller. I don't remember exactly.

22 Q. Who interviewed you?

23 A. I think there were two different
24 people, the HR person and then I don't

1 remember.

2 Q. But your recollection is that
3 there were two people in the room?

4 A. Yes.

5 Q. A man or a woman?

6 A. One was a woman and one was a
7 man.

8 Q. And the HR person was male or
9 female?

10 A. Female.

11 Q. And you got that interview
12 through a recruiter, correct?

13 A. Yes.

14 Q. What was the name of the
15 recruiter?

16 A. PeopleShare, I think.

17 Q. And of the individual recruiter?

18 A. I'd have to look. I don't
19 remember her name off the top of my
20 head.

21 Q. It was a woman though?

22 A. Yes.

23 Q. And how did you come to find the
24 recruiter?



1 A. They found me. And they were in
2 the building that MEF's offices were.
3 So I was -- I thought it was so
4 strange. And I had a severe sense of
5 paranoia at that point and I just
6 didn't know how they would have picked
7 my name out of a hat. And it was very
8 nerve-racking because we had the NDA
9 and we had to protect Savannah.

10 So even though we worked for
11 MEF, we had to pretend in the building
12 that we worked for Savannah. And it
13 was made very clear to us if you blew
14 your cover for Savannah that you would
15 be sued and take your first born child.

16 So it was very nerve-racking
17 to me that out of a hat with all these
18 resumes this place pulled my resume and
19 they were right in the building so then
20 I was scared somebody would see me and
21 ask me if I was in there because on my
22 resume --

23 Q. You're breaking up a little bit
24 for me. Could you maybe lean a little

1 closer perhaps? I'm not sure what's
2 happening, but suddenly you're awfully
3 I quiet.

4 MS. SHIKUNOV: There's two
5 other --

6 MS. DIBIANCA: Can I have
7 the two people who are not on mute go
8 ahead and mute their lines, please?
9 And I understand if you're on mute on
10 your phone that's great, but if you can
11 mute on Zoom at the bottom of the Zoom
12 screen that would be helpful because
13 it's interfering with the video event.

14 Or, Chris, if you are able
15 to do it from your end, that would be
16 fine with me too.

17 One more, a 248 number.

18 Thank you.

19 BY MS. DIBIANCA:

20 Q. Okay. Ms. O'Brien, sorry about
21 that.

22 Would you mind restating
23 your answer? And I apologize. I don't
24 know where you left off because I lost

1 the audio there.

2 A. Can you tell me --

3 Q. I can try. Oh, you were talking
4 about the recruiter and you said you
5 were paranoid about why they got your
6 resume.

7 A. Right. You asked me how I got
8 the recruiter. They found me. They
9 were in the building that MEF's offices
10 were, which was concerning to me
11 because I signed an NDA that I was
12 supposed to protect the identity of
13 MEF. No one was supposed to know where
14 our geographic footprint was.

15 So within the building and
16 anyone that knew us in the building, we
17 had to present ourselves as if we
18 worked for Savannah Mercantile. And,
19 you know, I had on my resume that I
20 worked for the Middle East Forum and I
21 had to go two floors down and go in and
22 out of the elevators every day with all
23 these people that worked at PeopleShare
24 who saw my resume and knew I worked at

1 the Middle East Forum.

2 So then I was nervous that I
3 was going to have to explain why I was
4 in the building and I was nervous that
5 I was going to, you know, out MEF and
6 blow the cover and then be sued for a
7 gazillion dollars.

8 Q. So is it fair to say that the
9 answer to the question is that the
10 recruiter found you?

11 A. Yes.

12 Q. Okay. Did you pay the
13 recruiter?

14 A. No.

15 Q. What other interviews besides
16 from the Kimmel Center did the
17 recruiter line up for you?

18 A. They wouldn't touch me with a
19 ten-foot pole after that because they
20 got a call from the Kimmel Center and
21 they said that someone had called and
22 told them that I was a drug addict and
23 suing my boss for sexual harassment and
24 that they shouldn't hire me.

1 So they called to tell me
2 that that happened and then they washed
3 their hands of me.

4 Q. Okay. So there was several
5 pronouns in there so I just want to
6 make sure the record is clear.

7 So am I correct to say that
8 the Kimmel Center called PeopleShare,
9 your recruiter, and said that the
10 Kimmel Center had received a phone call
11 that was speaking negatively of you --
12 and we'll go into detail about that --
13 and they conveyed, Kimmel Center
14 conveyed that phone call to the
15 recruiter, the recruiter called you and
16 said we're not going to have anything
17 to do with you now, something to that
18 effect?

19 A. No, they didn't say that. But I
20 never got another call from them.

21 Q. Okay. Okay. Did you sign a
22 contract with the recruiter agency?

23 A. I don't recall. I wasn't paying
24 them. They were being paid by the

1 Kimmel Center so they were just trying
2 to send people there.

3 Q. Now, are you aware that the
4 Kimmel Center has stated that -- let me
5 ask you this: Did you talk badly about
6 the Forum during your interview with
7 the Kimmel Center?

8 A. I don't think I talked badly
9 about any specifics. I said that I
10 wasn't -- I said that what I was
11 looking for was a positive work
12 environment because I had experienced
13 an unpleasant work experience. I
14 remember that, but I don't -- I think
15 when I was asking them questions I was
16 really trying to get a sense of what
17 their culture was like because it was
18 important to me not to get stuck in
19 that same culture.

20 To say that I bad-mouthed
21 them, I'm pretty sure that I would not
22 have done that specifically because I
23 was nervous about that NDA.

24 Q. Are you aware that the Kimmel

1 Center says that they decided to not
2 hire you during the interview because
3 you spoke so badly of your then current
4 employer?

5 A. I guess I knew that at some
6 point, but I would -- I mean when you
7 say I spoke so badly of my employer, I
8 can't recall specifically saying
9 anything bad about any specific person.

10 I remember being very
11 unhappy in the culture that I
12 experienced and I remember wanting to
13 make sure that if I took a position I
14 wouldn't be in a culture like that
15 again.

16 Q. Okay. So I'm not asking, I'm
17 not asking you to change your mind
18 about your recollection of the
19 interview.

20 I'm just asking if you're
21 aware that the Kimmel Center has taken
22 the position that the phone call they
23 received after your interview did not
24 influence their decision; they made

1 their decision to not hire you or not
2 proceed with your potential employment
3 during your interview as a result of
4 your interview?

5 Are you aware of that?

6 A. The recruiter told me that that
7 night, so yes.

8 Q. The recruiter told you what that
9 night? What night?

10 A. That they said that it wasn't,
11 it wasn't the phone call that they
12 didn't like. It was they weren't happy
13 with the way I -- you know, they didn't
14 want me.

15 Q. And the recruiter told you the
16 night that the recruiter called you to
17 convey that there had been the phone
18 call?

19 A. Yes.

20 Q. Okay. I just want to make sure
21 I've got it correct.

22 So you had the interview and
23 at some point after the interview the
24 recruiter called you and said that the

1 Kimmel Center, Ms. O'Brien, the Kimmel
2 Center has decided not to proceed; they
3 received -- they decided not to proceed
4 because of the way the interview went,
5 but I think you should know that they
6 also received a phone call saying that
7 you were a drug addict and were suing
8 your former or your employer?

9 Is that about right?

10 A. More or less.

11 Q. Okah. All right. Other than
12 you, the recruiter and the Kimmel
13 Center, who else knew that you were
14 going to interview at the Kimmel Center
15 in advance of the interview, not after
16 the fact?

17 A. I had some friends, probably my
18 family. Delaney and Caitriona were the
19 only ones in the office -- I think
20 Caitriona was in the office still at
21 that point, so they knew.

22 It was in my computer. It
23 was in my calendar as well.

24 Q. You put it in your calendar that

1 you were interviewing for another job?

2 A. My personal calendar.

3 Q. Okay. Okay. Did you tell

4 Mr. Roman?

5 A. Did I tell Mr. Roman?

6 Q. Yes.

7 A. No.

8 Q. Did you tell Dr. Pipes?

9 A. No.

10 Q. Did you tell Matthew Bennett?

11 A. No.

12 Q. Did you tell Mr. Ebert?

13 A. Yes, he knew.

14 Q. And Mr. Ebert is your domestic
15 partner, correct?

16 A. Correct.

17 Q. You and he are not married,
18 correct?

19 A. No.

20 Q. And you live together currently,
21 correct?

22 A. Correct.

23 Q. And how long have you lived
24 together?

1 A. I moved in February, I think
2 February 15th of 2020, almost a year.

3 Q. And you said you moved in, you
4 moved into his home. Is that correct?

5 A. Yes.

6 Q. You said yes, right?

7 A. Yes.

8 Q. Okay. And where did you live
9 prior to moving in with Mr. Ebert?

10 A. I have a townhouse. I lived
11 there.

12 Q. Do you still own the townhouse?

13 A. Yes.

14 Q. And is it rented out at this
15 point?

16 A. Currently, yes.

17 Q. Currently. Okay.

18 Do you have any other
19 residences other than Mr. Ebert's home?

20 A. No.

21 Q. When is the rental agreement,
22 when does the rental agreement expire
23 on your townhouse?

24 A. March 31st.

1 Q. Of 2021?

2 A. Yes.

3 Q. And do you know if the renter is
4 intending to renew the lease?

5 A. I have told them that I'm not,
6 I'm not renewing the lease.

7 Q. Okay. Are you returning, are
8 you planning to return to the
9 townhouse?

10 A. I'm not. My son and his
11 girlfriend will be renting it, along
12 with Mr. Ebert's daughter.

13 Q. Okay. Do you have any plans to
14 move out of Mr. Bennett's home at this
15 point?

16 A. No.

17 MS. SHIKUNOV: Molly, I'm
18 sorry. Molly, you said Mr. Bennett and
19 I know --

20 Q. I'm so sorry. Thank you. I
21 meant Mr. Ebert. Let me try that
22 again.

23 Do you have any plans to
24 move out of Mr. Ebert's home at this

1 point?

2 A. No.

3 MS. DIBIANCA: Thank you,
4 Erica.

5 Q. About how long was that
6 interview at the Kimmel Center?

7 A. Oh, I don't know.

8 Q. Let me ask this: At the end of
9 the interview with Kimmel Center, how
10 did you think it had gone?

11 A. Not well.

12 Q. Okay. You didn't have a good
13 feeling about it?

14 A. I didn't -- I wasn't interested
15 in the position.

16 Q. What do you mean?

17 A. I didn't, I didn't have a good
18 feeling about it, I didn't have a good
19 feeling about taking the job there if I
20 was offered it. I would have taken it
21 but...

22 Q. Explain that to me.

23 A. Explain what?

24 Q. You said you didn't think it

1 would be a good fit for you but you
2 would have taken it anyway. Is that
3 correct?

4 A. Yes. It just didn't seem like
5 an environment -- it seemed like -- I
6 don't know. It didn't seem like it had
7 a good culture there either. Not -- it
8 just seemed stiff and I wasn't really
9 like oh, excited about it, but I would
10 have taken it to get out of MEF.

11 Q. At the time that you left the
12 interview, at the conclusion of the
13 interview did you think that you were
14 going to get a second call or get a
15 call back from them?

16 A. I didn't know.

17 Q. I know you didn't know but how
18 did you feel about it?

19 A. I felt like you always feel when
20 you leave a job interview. You're
21 waiting to hear how it went.

22 Q. Okay. So tell me, let's talk
23 now about what the recruiter told you
24 when he -- I'm sorry. Did you say the

1 recruiter was a male?

2 A. So the original recruiter was a
3 female. The person that called me to
4 tell me about the phone call was a
5 male.

6 Q. Had you spoken to that person
7 before?

8 A. I don't think so. And he was
9 never there when I was there. He was a
10 boss and I guess he just wasn't there
11 when I was there or if he was he was
12 with someone else and I didn't speak
13 with him.

14 Q. Okay. So tell me what -- you
15 you don't happen to remember his name,
16 do you?

17 A. No.

18 Q. Tell me what your recollection
19 of that phone call was. And by "that
20 phone call" I mean what the boss at the
21 recruiting agency said to you when he
22 called you about your Kimmel Center
23 interview.

24 A. He said that the Kimmel Center

1 decided not to move forward with me;
2 that there was a phone call that came
3 in shortly after I left saying horrible
4 things about me and that they wanted
5 him to tell me because he felt like
6 they wanted -- he wanted me to know
7 that somebody in my inner circle had it
8 out for me but that wasn't the reason
9 that they were not going to move
10 forward with me.

11 Q. Okay. You said they said the
12 person had said horrible things about
13 you.

14 Do you recall what the
15 horrible things were?

16 A. Yes. I said them earlier. I
17 said that they said I was a drug addict
18 and suing my boss for sexual
19 harassment.

20 Q. Suing your boss for sexual
21 harassment, that was correct, wasn't
22 it?

23 A. Yes.

24 Q. Right. So would you say that's

1 a horrible thing? It's true.

2 A. Well, it doesn't make me look
3 good to an employer.

4 Q. Okay. But it was true?

5 A. Yes, that was true. That one
6 was true.

7 Q. And to say that you are a drug
8 addict is untrue, correct?

9 A. It is untrue.

10 Q. And I apologize. That was also
11 I threw a lot of negatives in there.

12 But you do use drugs,
13 correct?

14 A. I use prescribed Adderall.

15 Q. And your boyfriend testified
16 that you are a daily marijuana user.
17 Is that true or not true?

18 MS. SHIKUNOV: Molly, did
19 you say she was dealing marijuana?

20 MS. DIBIANCA: No. I said
21 your boyfriend testified -- I didn't.
22 Your boyfriend testified that you are a
23 daily -- maybe that's what you heard --
24 a daily marijuana user.

1 BY MS. DIBIANCA:

2 Q. Is that true or untrue?

3 A. I don't consider marijuana a
4 drug. It's decriminalized and mostly
5 legal or it's almost legal in Jersey.
6 It's supposed to be legal so I don't
7 see that as a drug, but I do use
8 marijuana.

9 Q. Okay. Do you have a medical
10 marijuana card?

11 A. I do not.

12 Q. Have you ever had one?

13 A. No.

14 Q. Where do you get your marijuana
15 from?

16 A. I don't know. Matt gets it.

17 Q. You get it from your boyfriend?

18 A. Yes.

19 Q. Does he have a medical marijuana
20 card?

21 A. He does.

22 Q. So you're using his lawfully
23 prescribed marijuana?

24 A. I believe. I don't know where



1 it comes from so...

2 Q. Other than to say from
3 Mr. Ebert?

4 A. Yes.

5 Q. Okay. Got it.

6 You said that you were
7 prescribed Adderall. For how long have
8 you been prescribed Adderall?

9 A. I don't remember the exact day
10 or date or even time. It was probably
11 in 2015.

12 Q. And what was the condition for
13 which you were being prescribed the
14 drug?

15 A. ADHD.

16 Q. When were you first diagnosed
17 with ADHD?

18 A. At that time, like in 2015.

19 Q. Do you take any other
20 medications for that condition?

21 A. No.

22 Q. And what's the dosing that you
23 take on Adderall?

24 A. I take 10 milligrams.



1 Q. Once a day?

2 A. Yes.

3 Q. And is that in the same since
4 2015?

5 A. I'm sorry? What?

6 Q. I'm sorry. Has that been the
7 same since 2015?

8 A. Originally she prescribed me 10
9 milligrams and she said see how you
10 feel with it. And then she bumped me
11 up to 20 milligrams so I did that for a
12 while. And she bumped me up to 30
13 milligrams and I didn't feel
14 comfortable with it. I didn't like it.
15 I don't really like to take medication.

16 So I backed it down and I
17 only do 10.

18 Q. Okay. Okay.

19 A. If I'm like doing like a longer
20 day --

21 Q. I didn't hear you. I'm so
22 sorry.

23 A. If I have a long day and I'm
24 working for a long period and I start

1 to feel my concentration slip, I'll
2 bump to 20, but that's rare.

3 Q. Okay. Have you ever shared your
4 Adderall with another person?

5 A. Lisa and I had the same
6 prescription and if she was waiting for
7 a prescription or whatever, I would,
8 you know, give her a few of mine and
9 then she would give them back to me
10 when she got her prescription filled.

11 I didn't give her any more
12 than she was prescribed for and I
13 didn't do it often.

14 Q. Okay. Have you ever snorted
15 Adderall?

16 A. No. I heard it's a thing
17 though.

18 Q. Other than Adderall, are you
19 currently taking any other medication?

20 A. Yes.

21 Q. And what are they?

22 THE WITNESS: Is she allowed
23 to ask me about my medication?

24 MS. SHIKUNOV: Yes. Go



1 ahead.

2 A. I don't really know the name of
3 it. I starts with a V.

4 Q. What condition is it for?

5 A. It's for an STD.

6 Q. Okay. Anything else?

7 A. No.

8 Q. And how about since you left
9 MEF, other than the medication that
10 started with a V and the Adderall,
11 anything else that you've taken since
12 leaving MEF?

13 A. Not that I recall.

14 Q. And I don't mean to say like an
15 antibiotic or something like that where
16 it's a short course but for a
17 condition.

18 A. No.

19 MS. DIBIANCA: Do you know
20 what? We've gone for about fifty
21 minutes.

22 So, Erica, is this a good
23 time to take a couple of minutes?

24 MS. SHIKUNOV: Yes. That's

1 fine. And then, Molly, I just want to
2 ask you -- let's go off the record
3 first.

4 THE VIDEOGRAPHER: Going off
5 the record at 9:57.

6 (A brief recess was taken.)

7 THE VIDEOGRAPHER: We're
8 rolling and back on the record at 10:10
9 Eastern Time.

10 BY MS. DIBIANCA:

11 Q. All right. So, Ms. O'Brien,
12 we're back from break so I'm just going
13 to continue with the questioning that
14 we left off, which was the Kimmel
15 Center.

16 Who made the anonymous call
17 to the Kimmel Center, Ms. O'Brien?

18 A. My boyfriend did, Matt Ebert.

19 Q. When did you learn that
20 Mr. Ebert made that call?

21 A. I learned that -- so he took
22 ownership of that call when he filed
23 paperwork because he was served
24 something. He never admitted it until

1 that point despite the fact that it was
2 pulled from his phone records.

3 Q. Okay. So I'm going to break
4 that down a little.

5 So is it correct to say that
6 the first time Mr. Ebert admitted to
7 you that he had made the phone call to
8 the Kimmel Center was when he put it
9 into a pleading which he filed with the
10 court in this case?

11 A. Yes.

12 Q. Prior to that, had you asked him
13 if he had been the anonymous caller to
14 the Kimmel Center?

15 A. Yes.

16 Q. And --

17 A. Go ahead. He denied it.

18 Q. When did you first ask him if he
19 had made that call?

20 A. I don't, I don't recall.

21 Erica --

22 MS. SHIKUNOV: Don't tell
23 her anything that I said. If you're
24 going to say that I showed you phone

1 records that's fine, but other than
2 that don't talk about our
3 conversations.

4 Q. Let me restate it in a way that
5 doesn't tend to invoke the counsel
6 part.

7 Prior to -- is it fair to
8 say that you did not suspect Mr. Ebert
9 made the phone call at the time it was
10 made?

11 A. Yes.

12 Q. At the time you filed -- let me
13 ask you this: You filed a charge of
14 discrimination with the EEOC. You
15 filed two of them, correct?

16 A. Yes.

17 Q. And the first one was alleging
18 sexual harassment, correct?

19 A. Mm-hmm. Yes.

20 Q. And the second one alleged
21 retaliation, correct?

22 A. Correct.

23 Q. And the retaliation charge, when
24 you filed that charge did you suspect

1 it was your boyfriend at that time?

2 A. I wouldn't have filed that if I
3 thought so, so no, I did not.

4 Q. Did you attend Mr. Ebert's
5 deposition in this case? We had it
6 earlier this week.

7 A. No.

8 Q. You didn't dial in for that at
9 all?

10 A. No.

11 Q. Do you know, what is your
12 understanding of the reason that
13 Mr. Ebert made that phone call?

14 A. When I learned that he did it
15 and I -- actually, when I learned that
16 the phone number was in his phone
17 records and when I had confronted him
18 about that, he had a very genuine
19 reaction of shock and said that he
20 thought he was better at that point and
21 he didn't remember calling them and he
22 didn't know why he would have called
23 them.

24 So -- I'm sorry. Can you



1 repeat the question again?

2 Q. Sure. No problem.

3 What is your understanding
4 of the reason he did call them?

5 A. Oh, yeah. So why now do I think
6 he called?

7 Q. Sure. Sure.

8 A. Now I think he's a very insecure
9 person and I think he didn't want me to
10 have that job and I think he suffers
11 from impulse problems and he took it
12 upon himself to make sure I didn't get
13 it. That's what I think.

14 Q. So I'll represent to you that he
15 testified that he made the call at
16 least in part to get back at you for
17 giving him an STD.

18 A. And then there's that.

19 Q. Would that be consistent with
20 the information that you know?

21 A. I felt that that was a different
22 problem, but I thought that -- I don't
23 know. I guess, I guess, I guess that
24 makes sense, but I just kind of thought

1 that there was a gap in between the
2 phone calls.

3 I didn't think at that point
4 that he would still be -- I felt like,
5 I guess I felt our relationship was at
6 a different point because I didn't know
7 any of this happened, but looking back
8 I thought our relationship was at a
9 different point that he wouldn't have
10 done something spiteful like that to me
11 and that it was more about controlling
12 where I worked. But it makes -- you
13 know, if that's what he said, then I
14 guess that's why he did it.

15 Q. When you say gap between the
16 phone calls, what's the other phone
17 call you're talking about?

18 A. The one that he made to
19 Mr. Roman.

20 Q. And when did you first learn
21 about that?

22 Just to be clear, I'm not
23 asking you if you learned it from
24 counsel. Don't tell me that you

1 learned it from counsel. Just when?

2 A. I don't know the exact date, so
3 I don't know. I'm not sure of the date
4 that I found out that he had called
5 him.

6 Again, I found out that it
7 was from -- I was just told that his
8 phone records showed that he made a
9 call to Gregg Roman.

10 Q. Do you recall when you -- by
11 "when" I don't mean an exact date but
12 the best approximation you can give.

13 When did you tell Mr. Ebert
14 that you had an STD?

15 A. I think I found out in like late
16 June or early July and the day I found
17 out I went and told him.

18 Q. When you learned that Mr. Ebert
19 had sabotaged, well, that's too -- let
20 me strike that.

21 When you found out that
22 Mr. Ebert had made the phone call to
23 the Kimmel Center, did you consider
24 moving out of his home?

1 A. When he sabotaged my job
2 opportunity? Yes.

3 Q. Okay. Did you move out of his
4 home at that time?

5 A. I was not able to move out of
6 his home at that time.

7 Q. And why is that?

8 A. Because quarantined had happened
9 and I had nowhere to go. I had rented
10 out my house so I couldn't go back
11 there. I couldn't go to my mom because
12 we were quarantining and I thought she
13 would die if I went near her. So I had
14 to stay there.

15 Q. Did you continue to share a
16 bedroom?

17 A. No. We were keeping space. He
18 was definitely keeping space from me.

19 Q. I'll represent to you that he
20 testified that he slept on the couch
21 maybe one or two nights but that was
22 about it. Is that correct?

23 A. Maybe. I don't know.

24 Q. So what did you mean when you

1 said he was definitely keeping space
2 from you?

3 A. There was -- we weren't talking.
4 We weren't hanging out. If he came --
5 we kept different, you know, did our
6 own things during the day. So if he
7 came to bed I might have already been
8 asleep. It wasn't like we were, you
9 know, snuggled up.

10 Q. And at this point -- go ahead.
11 Sorry.

12 A. I think the kids had no idea
13 what was going on and it was more about
14 not upsetting or alarming the kids.

15 Q. And do you both have children
16 that reside in that home?

17 A. Yes.

18 Q. But you and Mr. Ebert have
19 worked it out since then, correct?

20 A. We continue to work it out.

21 Q. But you're not keeping space
22 from one another at this point,
23 correct?

24 A. We're working on our



1 relationship.

2 Q. And how long have you two been
3 together?

4 A. Almost two years.

5 Q. So this is October -- I'm sorry.
6 I looked at my clock and it says 10.
7 It's actually January. It's January
8 2021, so almost two years.

9 Do you remember about what
10 month it was when you first became I'll
11 say -- I know you knew each other in
12 high school so I don't want to say when
13 you met.

14 But when you became a couple
15 about two years ago do you remember
16 about what month?

17 A. We started dating, our first
18 date was May 5th of 2020 and we dated
19 for a few months. I wouldn't say we
20 were a couple until later, but I was
21 seeing him exclusively at the time but,
22 you know, I wasn't so quick to jump in
23 all in.

24 Q. Can you hold on for just a



1 minute? I apologize.

2 THE VIDEOGRAPHER: Do you
3 want to go off?

4 MS. DIBIANCA: There's no
5 need to go off. It was the FedEx had
6 come in. Sorry.

7 BY MS. DIBIANCA:

8 Q. So you said May 5th. What was
9 the year?

10 A. It was 2019.

11 Q. Thanks.

12 Your first charge of
13 discrimination, let's go ahead and I'm
14 going to pull that document up now so
15 that it's available on the screen to
16 me, but I think Erica is going to give
17 you a copy of it as well so you have a
18 paper copy.

19 Give me just a minute to
20 navigate to that.

21 MS. SHIKUNOV: The July 24,
22 2019 EEOC you're asking about?

23 MS. DIBIANCA: Yes.
24

1 BY MS. DIBIANCA:

2 Q. Ms. O'Brien, because we've been
3 able to get, your counsel has been kind
4 enough to give you a paper copy of that
5 I'm not going to share my screen.

6 MS. DIBIANCA: Unless,
7 Erica, you prefer me to do so so you
8 can see it.

9 MS. SHIKUNOV: I have it.

10 MS. DIBIANCA: Okay.
11 Perfect. So if you want me to put it
12 on the screen at any time just let me
13 know but since we all have a copy I'm
14 going to skip that challenging
15 technology stuff.

16 All right. So the document
17 that we're referring to right now and
18 that we're going to mark as Exhibit 1
19 for the court reporter's purpose is
20 dated July 24th, 2019.

21 (O'Brien Deposition Exhibit
22 No. 1 was marked for identification.)

23 BY MS. DIBIANCA:

24 Q. And this is your charge of



1 discrimination filed with it says
2 Pennsylvania Human Relations Commission
3 on the top, but I understand it was
4 duly filed with the EEOC as well.

5 And is that the document
6 that you have got in front of you?

7 A. Yes.

8 Q. And is this to the best of your
9 knowledge a true and correct copy of
10 the document you filed with the EEOC?

11 A. I believe so.

12 Q. Were you represented by counsel
13 at the time you filed this?

14 A. Yes.

15 Q. It says on the first paragraph
16 in the section titled The Particulars,
17 it says, in part, that your job duties
18 included handling human resource
19 issues.

20 Did you handle human
21 resource issues for the Forum?

22 A. Yes.

23 Q. And then the next paragraph says
24 that throughout your employment with

1 the Forum -- and I'm paraphrasing --
2 you had been subjected to crude
3 comments from Gregg Roman, director.

4 A. Yes.

5 Q. He would make comments to you
6 such as, quote, I like older women,
7 quote, or, quote, non-Jewish women were
8 made for sex, quote. These comments
9 made you feel extremely uncomfortable.

10 When did Mr. Roman say that
11 he liked older women?

12 A. That was pretty early on in my
13 employment.

14 Q. Who else was present when he
15 said that?

16 A. I don't recall. Matt Bennett
17 may have been present, but I'm not
18 sure.

19 Q. Was that statement said in the
20 office?

21 A. Yes.

22 Q. And what did you say in
23 response, if anything?

24 A. I don't recall. I probably just

1 said oh or tried to move the
2 conversation elsewhere would probably
3 be how I would handle something like
4 that, but I don't recall specifically.

5 Q. Okay. And then the second
6 comment is non-Jewish women were made
7 for sex. Do you recall when Mr. Roman
8 allegedly said that?

9 A. Yes. That was when he had
10 asked, he suggested that we start going
11 out on quarterly like management
12 meetings and have a more relaxed
13 atmosphere, go get a couple of drinks
14 and talk about shop.

15 And he didn't talk very much
16 shop. It became very personal where he
17 was telling me about his marital
18 problems and how he was unhappy and I
19 suggested that he get a divorce or
20 think about leaving.

21 MS. DIBIANCA: We lost your
22 audio. I can't hear you, Erica.
23 Sorry.

24 (A discussion was held off

1 the record.)

2 BY MS. DIBIANCA:

3 Q. All right. Let's go back. We
4 did have some audio issues. So just to
5 make sure we've got the testimony,
6 let's go ahead and do it again. Okay,
7 Ms. O'Brien?

8 Actually, we'll just start
9 in the beginning of that and we'll just
10 break it down.

11 What was the year or month
12 that Mr. Roman allegedly said that
13 non-Jewish women were made for sex?

14 A. I'm not sure. It was probably
15 earlier in 2019.

16 Q. Are you Jewish?

17 A. No.

18 Q. And where did he say this?
19 Where was he when he said that
20 allegedly?

21 A. I believe it was Misconduct,
22 which was where he had taken me for a
23 quarterly management meeting that he
24 said he wanted to have with me where we

1 would just go relax and talk shop and
2 strategize about, you know, the future.

3 Q. When you say Misconduct, is that
4 a place?

5 A. Yes.

6 Q. Okay. Sorry. I'm a Delawarean.
7 Okay. So you were outside.

8 You were not in the office at that
9 time. Is that correct?

10 A. Correct.

11 Q. Was there anyone present with
12 you other than you and Mr. Roman?

13 A. No.

14 Q. And when you say quarterly
15 management meetings, how many times did
16 a quarterly management meeting outside
17 of the office between you and Mr. Roman
18 occur?

19 A. One time.

20 Q. And how long did that meeting
21 last?

22 A. I couldn't say.

23 Q. And when he said that non-Jewish
24 women were made for sex, what did you

1 say, if anything?

2 A. I don't, I don't remember.

3 Again, I probably just was

4 uncomfortable because he was talking

5 about his marriage and stuff like that.

6 I wasn't comfortable.

7 Q. So you said early 2019 but

8 Mr. Roman wasn't in the office in early

9 2019, was he?

10 A. Oh, 2018 maybe. Yeah. I'm not

11 sure. That's why I said I'm not sure.

12 Q. Well, you didn't interact with

13 him in early 2019, did you?

14 A. No.

15 Q. So it would would have to have

16 been -- can you think about when it

17 was? Was it early 2018?

18 A. I would have to look, I guess.

19 I don't recall.

20 Q. Where would you look?

21 A. I actually don't know where I

22 would look. Maybe my Google calendar.

23 I don't know. I don't, I don't recall.

24 Q. And I apologize because I'm



1 going to ask a question that we've
2 already discussed but just so we have a
3 clear record.

4 At this time you do not
5 recall the month or time period when
6 Mr. Roman allegedly made the comment
7 that non-Jewish women were made for
8 sex, correct?

9 A. It was at that meeting.

10 Q. Okay.

11 A. I know that.

12 Q. But you don't know the date of
13 that meeting, right?

14 A. Mm-mm.

15 Q. All right. And you need to say
16 yes or no.

17 A. Oh, I'm sorry. No.

18 Q. Okay. And you believe it was in
19 2018?

20 A. Yes.

21 Q. But you don't know -- do you
22 know the season? Was it warm outside?
23 Was it cold outside?

24 A. He had when he took me to the

1 meeting the first stop that -- we were
2 walking outside. He walked me to the
3 parking garage where his car was
4 because he said he needed to get
5 something. And what he needed to get
6 was some little thing that he had
7 bought that was like a marijuana
8 diffuser and he was like do you want to
9 get high?

10 So I was like okay, just,
11 you know, took one or two hits. When
12 I'm working I don't want to be,
13 especially one on one in a parking
14 garage with a man I wouldn't want to
15 let my defenses be too far down.

16 Q. So does that help you remember
17 what time of year it was?

18 A. So it was warm was my point
19 because of the walking.

20 Q. Okay. All right. To the best
21 of your knowledge, has Mr. Roman had
22 sex with non-Jewish women?

23 A. I'm not sure. He told me that
24 he had sex in the office at work. He

1 told me that he had sex with Leah
2 Merville. I'm not sure what she is.

3 Q. Let's go to the next paragraph
4 of the charge. It says "In or around
5 September 2018 Ms. O'Brien and
6 Mr. Roman went to dinner to discuss the
7 office, staff and operations."

8 Do you recall where you went
9 to dinner?

10 A. That was Misconduct so it was
11 then.

12 Q. So is that -- so I'm getting the
13 facts right, it would have been
14 September 2018 was the meeting at
15 Misconduct where he also said that
16 non-Jewish women were made for sex?

17 A. Yes. I guess that's when I
18 thought it was. At the time I said
19 that I must have thought that was when
20 it was. That was that same time.

21 Q. And is that also -- okay.

22 So it says you went to
23 dinner at Misconduct. Did you sit at
24 the bar or did you sit at a table? I

1 don't even know if there are tables.

2 A. Table.

3 Q. Table. Okay. About how long
4 did the dinner last?

5 A. I don't think it lasted that
6 long. I don't recall. It was...

7 Q. So "During that same dinner at
8 Misconduct in or around September 2018
9 Mr. Roman discussed various
10 inappropriate topics that were
11 unrelated to work, specifically, sex,
12 relationships, and current problems he
13 was having with his wife."

14 A. Yes.

15 Q. So let's take that one at a
16 time.

17 What did he discuss with
18 regard to sex?

19 A. That was when he made the
20 comment about sex being for Jewish
21 women and he was telling me that he
22 needed a release.

23 Q. Why didn't you put that in the
24 charge?



1 A. Why didn't I put what in the
2 charge?

3 Q. That he made that comment about
4 a release.

5 A. I guess that's the sex
6 reference.

7 Q. Anything else referencing sex?

8 A. I'm sure, but I would have to --
9 I can't think of it right now.

10 Q. This is your chance so that's
11 why we're here.

12 A. Right. He told me he was having
13 problems with his wife. He was asking
14 me about my relationships, about how I
15 was like getting out of my marriage and
16 was I seeing anyone and talking about
17 how he needed a release.

18 Q. Okay.

19 A. He also kept telling me that he
20 forgot to sign papers because he wanted
21 to switch banks and there was paperwork
22 that had to be signed. I had sent it
23 to him and asked him to sign it
24 electronically, but he kept saying

1 several times throughout the night that
2 oh, we need, we can stop back to the
3 office, I forgot to sign those papers
4 for you, but we can stop back to the
5 office, we can sign those papers for
6 you.

7 And between those comments
8 and between the release comments and
9 the topic of the conversation, I became
10 so uncomfortable that I stopped and I
11 said you know I'm not going to fuck
12 you, right?

13 Q. Okay. And that was in the
14 restaurant?

15 A. That was when we were walking.

16 Q. Walking back from the
17 restaurant?

18 A. I think we might have been
19 walking -- I'm not sure where we were
20 walking. I think it was when we were
21 walking. I think we might have
22 switched locations, but I can't
23 remember exactly.

24 Q. What do you mean "switched

1 locations"?

2 A. I don't know. I think we might
3 have had a drink somewhere and then
4 went to Misconduct. I can't remember
5 if we were in one location the entire
6 time.

7 Q. So is it your testimony that you
8 left the office with Mr. Roman, stopped
9 at the parking garage, had a couple of
10 hits of weed and then went where?

11 A. To eat. I believe we went
12 somewhere initially and maybe he didn't
13 like it and then we switched and then
14 went to Misconduct. I believe that's
15 where we went and ate.

16 And then walking he may have
17 mentioned, I think he kept mentioning
18 the papers and I made that comment.

19 Q. When you made the comment about
20 you're not going to fuck him?

21 A. Yes.

22 Q. Are you sure this wasn't 2017?

23 A. It may have been. I told you
24 I'm not sure of the date.



1 Q. He's asked you if you were
2 getting out of -- you discussed you
3 were getting a divorce. Is that right?

4 A. Yes. I was not -- I think my
5 divorce wasn't final at that point but
6 I had, you know, I was separated and
7 living in my own place.

8 Q. Does that help you remember the
9 year?

10 A. It really doesn't.

11 Q. When did you separate from your
12 husband?

13 A. In 2014.

14 Q. And when was your divorce
15 finalized?

16 A. I don't -- I stayed married for
17 a while because I stayed on his
18 benefits. Maybe -- I don't know.
19 Maybe 2017.

20 Q. So if your divorce was finalized
21 in 2017, does that help you recall
22 whether it was 2017 that you had this
23 dinner with Mr. Roman at Misconduct?

24 A. No. Because he was just prying



1 about my personal life. It wasn't like
2 he was asking me about like the
3 specifics of my divorce. It was more
4 about like my marriage and what was it
5 like and what did you do and stuff like
6 that.

7 So it doesn't help me
8 remember. I know that I went to dinner
9 with him one on one and that was my
10 evening, was uncomfortable.

11 Q. And did you tell him at that
12 dinner about your son having a drug
13 problem?

14 A. A drug problem? My son doesn't
15 have a drug problem so I wouldn't have
16 told him that.

17 Q. Did you tell him anything about
18 your son at that dinner?

19 A. My son has struggled with issues
20 and I think I had to take time off
21 because of that and so he may have
22 asked me about that, so I may have told
23 him some of those issues.

24 Q. Do you mean take off work at MEF

1 or prior to working at MEF?

2 A. At MEF.

3 Q. Okay. Then did you walk back to
4 the office after that dinner?

5 A. I didn't go back to the office
6 with him. I went home.

7 Q. Where was your car parked?

8 A. I don't remember. I generally
9 took PATCO in, so I may have taken the
10 train. If I drove in, I don't know. I
11 would have probably parked at Liberty
12 One.

13 Q. So after the dinner the two of
14 you left separately, correct?

15 A. I didn't -- yeah. I didn't go
16 back to the office with him. I didn't
17 go anywhere. I went home.

18 Q. You didn't go to the parking
19 garage with him?

20 A. After?

21 Q. Yes.

22 A. I don't think so.

23 Q. Okay. I'm just asking just so
24 my questions are clear.

1 And you say in your charge
2 that he continued to make advances
3 throughout the dinner. What were the
4 advances? Was there something? Did he
5 proposition you?

6 A. He talked about -- no, I don't
7 remember saying there was a
8 proposition. I recall saying that he
9 kept leading the conversation to
10 marital problems, asking me about what
11 it's like dating, what the dating scene
12 is like and him saying how he needed a
13 release.

14 I said that the topic of
15 conversation made me feel so
16 uncomfortable that I said to him you
17 know I'm not going to fuck you, right?

18 And he said why would you
19 say that?

20 I said because I felt like I
21 needed to.

22 Q. And what did he say?

23 A. He changed the topic.

24 Q. Did he change the topic back to

1 work?

2 A. I don't recall. There wasn't
3 much work talk.

4 Q. After he changed the topic did
5 you feel -- was there anything else
6 that he said after that that evening
7 that made you feel uncomfortable?

8 A. I don't recall. I believe the
9 release comment came after that.

10 Q. Was that the only time you went
11 to dinner with Mr. Roman?

12 A. I believe so.

13 Q. Let's go to the next page of the
14 charge. It says "A few weeks later
15 Mr. Roman invited Ms. O'Brien on a
16 business trip to Israel with him."

17 So tell me what you mean by
18 that, he invited you on a business
19 trip. How did he invite you on a
20 business trip?

21 A. He said that, you know, they
22 were working on some secret project and
23 it was top secret and high security and
24 high security like -- I don't know why

1 but whatever.

2 He said that he needed help
3 because he needed someone to take notes
4 for him or something, and he asked me
5 if I would want to go. It would be
6 about a week.

7 And I did want to go. And
8 he said I got an Airbnb, it's two
9 bedrooms and you'll have your own room.

10 And I said I'm not
11 comfortable with that at all and I
12 would want to go, but I want a hotel
13 room.

14 Q. Okay. What did he say?

15 A. He said he would ask someone
16 else.

17 Q. So that trip -- did he ask
18 someone else?

19 A. He asked Lisa Barbounis.

20 Q. So the trip that Lisa Barbounis
21 took to Israel I'll represent to you
22 was in March of 2018.

23 Does that sound correct to
24 you?

1 A. Okay. Yeah.

2 Q. So your dinner at Misconduct was
3 prior to March 2018. Is that correct?

4 A. I believe. I'm not entirely
5 sure, but I believe that it was.

6 Q. In other words, the dinner at
7 Misconduct was before he talked to you
8 about Israel?

9 A. I am not sure which came first.

10 Q. Well, you put in your charge a
11 few weeks later. That's the first --

12 A. Okay. Then I guess that's what
13 it was. I'm not sure now. If I said
14 that then, then that's when I thought
15 it happened.

16 Q. Okay. Now, had you stayed at an
17 Airbnb with anyone from the Forum
18 during your employment?

19 A. I had been invited to go help at
20 AIPAC. They were going to AIPAC and
21 they were having dinner and they needed
22 help with that. So I went with -- I
23 don't know how I got there -- I guess
24 with Lisa Barbounis and Trish McNulty

1 and we had a hotel room that we were
2 supposed to stay in, one room. We
3 shared, the three of us, one hotel
4 room.

5 And Matt and Gregg were also
6 there and they had I think a three
7 bedroom, it was a three bedroom Airbnb.

8 And so we had gone out
9 afterwards to I guess different
10 functions. The different organizations
11 hold functions trying to network. And
12 Gregg invited some people back to the
13 Airbnb for like an after party after
14 that, so we all went back there.

15 Q. And did you stay there that
16 night?

17 A. I did. We had been drinking and
18 actually when we first got there he
19 said here, come here, I want to show,
20 here come back here, come back here and
21 I followed him. I didn't know the
22 layout.

23 So I was just following him
24 and he took me right into his bedroom

1 and shut the door. And I was
2 uncomfortable and he's like here, you
3 know, he had pot. So I was like ahhh,
4 I don't want to be back here;
5 everybody's going like be wondering
6 what we're doing. And I went out on
7 the terrace because I was
8 uncomfortable.

9 After that everyone was
10 hanging out and I remember it was
11 getting later and there were grantees
12 there. There were a couple of fellows
13 there. And at one point he was sitting
14 on the couch in between Lisa and Tricia
15 and he put his arms around them and
16 they both -- Lisa just looked like
17 uncomfortable, like all right, go away.
18 And Tricia was more visibly
19 uncomfortable and then he pulled her up
20 onto his lap. And she was, she was
21 visibly shaken by that. I remember the
22 look on her face.

23 Q. You were intoxicated at that
24 time, correct?

1 A. Excuse me?

2 Q. You were intoxicated at the
3 time, correct?

4 A. We had definitely all been
5 drinking.

6 Q. Answer my question. That wasn't
7 my question.

8 My question was: Were you
9 intoxicated at the time?

10 A. Was I? Well, what's drunk? I
11 didn't take -- I mean I had been
12 drinking so I was buzzed at the very
13 least.

14 Q. Okay. So in let's say early
15 March 2018 you were intoxicated after
16 AIPAC and stayed in Mr. Roman's Airbnb,
17 correct?

18 A. So Lisa had fallen asleep on the
19 couch and we were wanting to leave and
20 they were like no, no, no, stay here,
21 stay here, just stay here, there's an
22 extra bedroom.

23 And so Tricia and I flipped
24 a coin for the bedroom and she won so

1 she went into the bedroom. And I was
2 like I didn't really -- I really wanted
3 to go back to the hotel room.

4 And I was like screw her.
5 There's a big bed in here. I'm not
6 going to sleep on the couch. I'm going
7 to go sleep in there with her. There's
8 plenty of room.

9 And as I was walking away --
10 I was by myself at that point. She was
11 asleep and everybody was gone. And as
12 I was walking away, I looked and Lisa
13 was like swearing a skirt and she was
14 asleep on the couch and I was like do
15 you know what? I didn't feel
16 comfortable leaving her alone on the
17 couch.

18 And I thought Tricia has a
19 lock on her door, so I'll just sleep on
20 the couch and we'll just leave early in
21 the morning. So that's what we did.

22 Q. Was there any incident after you
23 went to sleep?

24 A. I don't think so. We woke up

1 early in the morning and went back to
2 our hotel room.

3 MS. SHIKUNOV: Molly, when
4 you're done this line of questioning
5 can we take a cbreak?

6 MS. DIBIANCA: Yes.
7 Definitely. I mean we can do it now if
8 you want.

9 MS. SHIKUNOV: I don't want
10 to interrupt your line of questioning.
11 If you want to finish this topic and
12 then we can go.

13 BY MS. DIBIANCA:

14 Q. So in the first paragraph of the
15 second page of your charge the last
16 sentence says that, quote, "Because of
17 his inappropriate advances Ms. O'Brien
18 missed out on the opportunity to
19 further her career and participate on
20 the business trip."

21 I guess I don't follow that
22 so help me unwind that if you can.

23 A. Where is it?

24 Q. This is the second page of your

1 charge on the first paragraph, last
2 sentence. It begins "Because of his
3 inappropriate advances."

4 A. Oh. Well, I felt like the
5 Israel trip was an opportunity to, you
6 know, I guess become more, you know,
7 involved in the business, what was
8 going on. And I didn't -- I wasn't
9 able, I wasn't comfortable taking the
10 opportunity because I was uncomfortable
11 at the thought of being alone with him
12 for a week.

13 So that's what that means.

14 Q. Now, sitting here today do you
15 think that you lost out on a business
16 opportunity or a career opportunity by
17 not going on that trip?

18 A. I don't think there was a career
19 opportunity. I think it was an
20 opportunity for Mr. Roman to try to get
21 in someone's pants.

22 Q. The next paragraph describes
23 Lisa Barbounis as an administrative
24 assistant.

1 Is that your understanding
2 of what her title was at the Forum?

3 A. Her title changed several times.
4 She was hired in to be an executive
5 assistant. I'm not sure. She didn't
6 want that title. She was very worried
7 about the title.

8 So I'm not sure what her
9 title was when she started, but the
10 role that we were hiring for was for an
11 administrative assistant and that's
12 where she started.

13 Q. Then it says "When Ms. Barbounis
14 returned from Israel she made a comment
15 to you about, quote, the shit Mr. Roman
16 pulled in Israel."

17 Were those her exact words?
18 They're in quotation marks here.

19 A. Yeah.

20 Q. And you followed up and she did
21 not -- did you respond to that
22 sentence?

23 A. When they first got back they
24 were very weird with each other, so I

1 kind of thought something might have
2 happened and then she made that
3 comment.

4 And I said was he
5 inappropriate while you were there?
6 And she was like oh, nevermind, it's
7 nothing. And she like made a bee line
8 for the door and got out of the office.

9 Q. It says that she did not address
10 the trip again. Is that correct?

11 A. I don't, I don't know what you
12 mean.

13 Q. I'm looking at your charge.

14 A. She never, she never said any
15 more comments like that around me
16 anyway.

17 Q. And then subsequently Mr. Roman
18 told you that Ms. Barbounis had hit on
19 him during the Israel trip?

20 A. That was actually before, I
21 think. He was in my office for
22 something and he was like she hit on me
23 in Israel.

24 And I was like she did? Are

1 you sure about that?

2 And he was like oh, I don't
3 know, maybe.

4 It was, it was weird.

5 Q. When you say it was before that,
6 you mean it was before Lisa's comment
7 to you?

8 A. I think it was.

9 Q. Okay. And then it says "Soon
10 after her trip to Israel," which I'm
11 assuming means Ms. Barbounis's trip to
12 Israel, "in March of 2018 Mr. Roman
13 asked you to document everything
14 Ms. Barbounis did wrong while working
15 for the Forum, including when she was
16 late or when she spoke too loudly.
17 Ms. O'Brien was directed by Mr. Roman
18 to look for reasons to discipline
19 Ms. Barbounis."

20 Is that a true and accurate
21 statement?

22 A. It is.

23 Q. Tell me the context of that.

24 A. So --

1 Q. When did it happen?

2 A. I'm sorry. What?

3 Q. Let's start with when it
4 happened. When did he say that?

5 A. I'm not good with like actual
6 like at this point remembering the
7 exact moment that these things
8 happened. He -- when she was hired,
9 she had zero skills for being an admin
10 assistant.

11 What was the question again?

12 Oh, when he -- okay.

13 So he wanted to fire her.
14 So he told me that we needed to start
15 gearing up to get her out because she
16 wasn't doing her job, which she wasn't
17 good at it, I guess. But he asked me
18 to basically start documenting when she
19 was late.

20 She's a very big personality
21 and she can be disruptive in the
22 office. He was asking me to document
23 that and just start gathering, you
24 know, a reason to fire her.

1 MS. DIBIANCA: Okay. Let's
2 go ahead and pause there -- Erica, I
3 forgot we were going to take a break --
4 before I carry on. Sorry.

5 We can go off.

6 THE VIDEOGRAPHER: Going off
7 the record at 10:56.

8 (A brief recess was taken)

9 THE VIDEOGRAPHER: We are
10 now rolling and recording and we're on
11 the record at 11:08 Eastern Time.

12 BY MS. DIBIANCA:

13 Q. So we're going to stick with the
14 same line or the chain of events here.

15 You said, your testimony was
16 that Ms. Barbounis did not have the
17 qualifications that she needed for the
18 position for which she was hired at
19 MEF. Is that correct?

20 A. Yes.

21 Q. And at the time she was hired
22 did you disagree with her being hired?

23 A. I did.

24 Q. Because of her lack of

1 qualifications?

2 A. I thought she was smart and
3 seemed like a hard worker and, you
4 know, but there was another woman who
5 had previously interviewed who was an
6 older woman, like a bit matronly, and
7 she was a lifelong executive assistant.
8 Her resume was perfect for what we were
9 hiring for. She knew MEF. She was a
10 fan of Daniel Pipes and she wanted the
11 job.

12 So I wanted her and he
13 insisted on hiring Lisa for the job.
14 And I said to her in the interview you
15 know you're not going to like this job,
16 right? Because this isn't the job that
17 you want.

18 And she said oh, I'll learn
19 it, I'll be good at it. And, you know,
20 so she got the job.

21 Q. And when she was hired and
22 started to work for the Forum, in your
23 opinion did she do a good job at first?

24 A. I wouldn't have any knowledge of

1 how well she did her job firsthand. I
2 only know what Gregg told me. And I
3 would ask him often like -- because I
4 felt like it was doomed because she was
5 hired for a job she didn't have the
6 skill set for.

7 So I asked him often, you
8 know, is she doing a good job? How's
9 it going?

10 And he would say oh, she's
11 doing good, she's getting it, she's
12 doing great. So he was always
13 defending her.

14 So I said if she's not doing
15 a good job you need to let her know so
16 she can fix it because you can't --
17 when you decide that she's not doing a
18 good job and you're going to try to rip
19 the rug out from under her it's going
20 to be a problem, so if she's not doing
21 a good job you need to tell me.

22 Q. And did he tell you that she
23 wasn't doing a good job at some point?

24 A. He always said that she was

1 doing well. He would complain about
2 her and then he would say she was doing
3 well and it's good, everything's fine.

4 It wasn't until after they
5 got back from Israel that he said that
6 she wasn't doing a good job and that he
7 needed her to go.

8 Q. And did you agree with him at
9 the time that he said that, that Lisa
10 was not doing a good job at that time?

11 A. I still don't know. I know that
12 she wasn't happy in the position. I
13 know that she was always struggling and
14 feeling like she wasn't doing well.

15 And then I would ask him
16 about it and he'd say say no, she's
17 fine, it's good, it's good, it's good.

18 So I wouldn't have any
19 firsthand knowledge of the job that she
20 did because our jobs didn't interact.
21 They didn't really cross too much so I
22 really don't know how she did.

23 Q. So at the time that Mr. Roman
24 told you when they returned from

1 Israel -- let me just go over that a
2 bit because it's a little unclear to
3 me.

4 When they returned from
5 Israel in March of 2018 Mr. Roman told
6 you that Ms. Barbounis -- what did he
7 tell you about Ms. Barbounis?

8 A. He said she hit on me, like
9 that. And that was really it. Because
10 I went she did? Are you sure about
11 that?

12 And then he's like oh, I
13 don't know, maybe and then that was it.

14 Q. What about this piece about
15 telling you to document the things that
16 Ms. Barbounis did wrong?

17 A. After he decided -- I didn't
18 realize it at the time but it was after
19 the Israel trip. I didn't really put
20 two and two together. He asked me to
21 start documenting all of her, you know,
22 things that she did wrong, she was loud
23 in the office, when she showed up late,
24 anything that she did, you know, that

1 was wrong or not okay.

2 Q. Prior to March of 2018 you had
3 already told Ms. Barbounis that she had
4 tardiness issues, correct?

5 A. Yeah.

6 Q. Yeah. So what he was telling
7 you was not news to you, correct?

8 A. No. But he wanted it documented
9 at this point.

10 Q. Well, wasn't that your job as HR
11 to document when people are doing
12 things that are not in line with their
13 performance obligations?

14 A. We didn't have a time clock and
15 I wasn't her boss. And we also --
16 again we're told that we didn't have to
17 be 9:00 to 5:00, that we could flex and
18 do different, you know, schedules if we
19 needed to so --

20 Q. You talked to her about being
21 late prior to the Israel trip, correct?
22 That's what your testimony was.

23 A. Yes. I believe I did.

24 Q. Okay. So there was obviously



1 some mechanism by which you determined
2 that she was late.

3 A. He was the mechanism.

4 Q. No. My question was and your
5 testimony was that prior to the Israel
6 trip you yourself had said to
7 Ms. Barbounis you're late, right?

8 A. She did show up late a lot.
9 But, again, I wasn't her boss so it
10 wouldn't -- I wouldn't have had a
11 discussion with her about her lateness
12 unless Gregg asked me to.

13 Q. So the testimony you gave just a
14 few minutes ago when you said that
15 prior to Israel in March of 2018 you
16 had, in fact, talked with Ms. Barbounis
17 with regard to her tardiness, is that
18 correct or is that incorrect testimony?

19 Do you want to change that
20 testimony or are you sticking with
21 that?

22 A. I think, I think it probably was
23 addressed at some point.

24 Q. Okay. And you said that she

1 was, he felt that she was not doing a
2 good job. That's what he told you,
3 correct?

4 A. Yes, when he, when he asked me
5 to start documenting it.

6 Q. Did you think there was anything
7 wrong with him asking you to document
8 when an employee is not doing a good
9 job?

10 A. He didn't ask me to document her
11 not doing a good job. He asked me to
12 document her latenesses, her loudnesses
13 because I didn't have really the
14 ability to gauge her work performance.

15 No, there's nothing wrong
16 with that because when somebody is not
17 doing a good job and you don't want
18 them to be part of your team anymore
19 you have to document reasons for that.

20 Q. And she was loud from time to
21 time, correct?

22 A. Yes.

23 Q. And it was loud in a way that
24 was disruptive, correct?

1 A. Yes.

2 Q. And she was tardy from time to
3 time, correct?

4 A. Yes, I believe.

5 Q. Did you document it?

6 A. I did. I started keeping a
7 list, yeah.

8 Q. Did you ever speak to
9 Ms. Barbounis after Mr. Roman made the
10 request that you document it about --
11 let me say that in a better way.

12 After Mr. Roman asked you in
13 March of 2018 to document
14 Ms. Barbounis's various employment
15 failings, loudness, tardiness,
16 et cetera, you did so, correct?

17 A. Document it?

18 Q. Yes.

19 A. I started keeping a list.

20 Q. And did you address those issues
21 with Ms. Barbounis directly at any
22 time?

23 A. She would disrupt me a lot, so
24 yes. If she was loud, I would call her

1 out on it.

2 Q. And you went into her office and
3 told her that she was late, correct?

4 A. I may have.

5 Q. Then the next paragraph of your
6 charge you say "Additionally, when he
7 returned from Israel" -- when you said
8 that did you mean in March of 2018?

9 A. That was a prior trip to Israel.

10 Q. So when was that?

11 A. That trip when he came back and
12 told me he slept with Leah?

13 Q. Yes.

14 A. I'm not sure. It was prior to
15 the trip with Lisa though.

16 Q. Okay.

17 A. And I only know that because she
18 had told me that while he was screaming
19 about needing a blow job that he called
20 Leah and she wasn't taking his calls.

21 Q. Who is "she"?

22 A. Leah wasn't taking his calls.
23 So he had already slept with her prior
24 to that trip was my point.



1 Q. You got to unpack that a bit.

2 You said that she told you. Who told
3 you what?

4 A. Lisa when she told me about what
5 happened in Israel said that when she
6 was declining his advances he was
7 calling Leah and she wasn't taking his
8 calls. That's how I know of him
9 sleeping with Leah happened prior to
10 that trip. It had already happened.

11 Q. And I thought you said that Lisa
12 didn't talk to you more about that
13 trip. So are you changing that
14 testimony now?

15 MS. SHIKUNOV: I'm going to
16 object to the form of the question
17 because it's mischaracterizing what she
18 said previously.

19 Q. Would you like me to rephrase
20 it?

21 MS. SHIKUNOV: She can
22 answer it or you can rephrase it,
23 whatever you prefer.

24 A. So when you asked --

1 MS. SHIKUNOV: Hold on. Let
2 her ask her question.

3 Q. I'm asking you if you would like
4 me to rephrase it?

5 MS. SHIKUNOV: You can
6 rephrase it or she can answer it. I
7 put my form objection on the record so
8 whatever you want to do.

9 MS. DIBIANCA: I meant the
10 witness.

11 A. Oh, me? So when you asked me if
12 she talked to me about it again, I
13 thought you meant like that day in the
14 office brought it up again. We did
15 talk about it again and it was when she
16 told me about what happened and that
17 ended up with me filing a complaint
18 with Daniel Pipes and Marc Fink.

19 Q. So Lisa Barbounis just -- we got
20 a lot of pronouns on the record.

21 So when Lisa Barbounis got
22 back from Israel she made a comment to
23 you about, quote, the shit he pulled in
24 Israel, quote.

1 After that she did not
2 address the trip again until October 30
3 or 31st, 2018. Is that correct?

4 A. That's correct.

5 Q. Okay. Got it.

6 So in this next paragraph
7 where you say "Additionally when he
8 returned from Israel," that is not
9 correct then? Tell me what I'm
10 supposed to understand from that
11 sentence.

12 A. So additionally when he returned
13 from Israel from a prior trip Mr. Roman
14 had told me how he had slept with Leah
15 Merville.

16 Q. And when did he say exactly?

17 A. He said that she was there
18 interning for IVP and he was there and
19 they went out for drinks. And he said
20 that they got a little fired up and he
21 forgot her paperwork back in his hotel
22 room to sign her internship papers,
23 which that's the only intern that he's
24 ever signed their internship papers.

1 Matt Bennett usually handled that.

2 So he had her papers up in
3 his hotel room and she went up there
4 and they -- one thing led to another
5 and they slept together.

6 Q. When did he tell you that?

7 A. It was prior to that Israel trip
8 and prior to the invitation to go to
9 Israel.

10 I thought I was the only one
11 that knew and then I found out later
12 that he had told other people as well.

13 Q. So is it correct to say that he
14 told you, your testimony is that
15 Mr. Roman told you that he slept with
16 Ms. Merville and that he made that
17 comment, he made that statement prior
18 to your dinner at Misconduct in
19 September 2018?

20 A. I'm not sure if it was prior to
21 that or not.

22 Q. You said it was prior to when he
23 asked you to go to Israel, right?

24 A. Yes. I'm not sure where that,



1 when that happened. I'm not sure of
2 the time frame of when he slept with
3 Leah or when he told me.

4 Q. So just so we're clear and we're
5 talking about the same question, I'm
6 only talking about when he told you
7 that. Okay?

8 A. I'm unclear. I don't know.

9 Q. But you do know it was prior to
10 his trip to Israel in March 2018 with
11 Ms. Barbounis, correct?

12 A. Yeah. I'm pretty sure it was.

13 Q. And are you pretty sure that it
14 was before he asked you to go to
15 Israel?

16 A. Well, probably, yeah.

17 Q. So as HR what did you do about
18 it when he told you that? You kept it
19 to yourself?

20 A. I did keep it to myself, but she
21 wasn't -- he said that she wasn't
22 working for us. He said that --
23 actually I didn't know at that time
24 that she was interning for IVP Israel.

1 I thought it was, you know, she was
2 just coincidentally there.

3 That's kind of how he framed
4 it to me, but I told him that that's
5 stupid and you shouldn't be doing that.

6 Q. So at the time of the alleged
7 incident when he, Mr. Roman, and
8 Ms. Merville had sex in Israel, was
9 Ms. Merville an intern for IVP at that
10 time?

11 A. I believe that's what I found
12 out later. I thought, I thought at the
13 time that he told me that she was
14 interning for somewhere else and that
15 maybe he helped her get the internship.

16 I'm really not that clear on
17 that.

18 Q. She wasn't interning for the
19 Forum, correct?

20 A. She wasn't?

21 Q. Was she I guess?

22 A. I'm unclear. He told me that
23 she was not and then I heard later that
24 she was. And if he was signing her

1 internship papers, I would have to
2 guess that she was.

3 Q. But as the HR person you did not
4 know whether she was interning for the
5 Forum?

6 A. No. They didn't always update
7 me to that. There would just be
8 somebody -- Matt really, Matt managed
9 the interns.

10 Q. Was Ms. Merville working in the
11 office at that time, the MEF office in
12 Philadelphia?

13 A. She was in Israel.

14 Q. Did she ever work in the MEF
15 office in Philadelphia?

16 A. Yes.

17 Q. When?

18 A. I'm going to guess --

19 MS. SHIKUNOV: Don't guess.

20 THE WITNESS: Okay.

21 Q. Well, yeah, I want you to guess.
22 You can just say it's a guess, but I
23 still want you to try to figure it out.

24 MS. SHIKUNOV: If you can

1 approximate, you can. Just make sure
2 it's clear for the record that it is an
3 approximation.

4 A. I'm going to say in 2017, I
5 believe.

6 Q. So at the time that he told you
7 that he had sex with Ms. Merville, did
8 he tell you right after he returned
9 from the trip that they allegedly had
10 sex?

11 A. He went -- he flew and traveled
12 often so I'm not sure if it was right
13 when he got back from that trip or not.

14 Q. Well, your charge says when he
15 returned from Israel.

16 A. Well, I mean I don't know if it
17 was the day he returned. It was after
18 he returned and after it happened.

19 Q. It wasn't long afterwards, in
20 other words?

21 A. I don't think so. It doesn't
22 seem like he would want to keep that
23 quiet since he was telling everyone.

24 Q. Well, you didn't know that he

1 was, quote, telling everyone. Those
2 are your words after the fact, correct?

3 A. Yes.

4 MS. SHIKUNOV: Sorry, Molly.
5 Can we take two seconds?

6 MS. DIBIANCA: Yes.

7 MS. SHIKUNOV: Can we take
8 two seconds?

9 MS. DIBIANCA: We're going
10 off the record.

11 THE VIDEOGRAPHER: Going off
12 the record at 11:28.

13 (A brief recess was taken.)

14 THE VIDEOGRAPHER: We are
15 going back on the record at 11:29.

16 BY MS. DIBIANCA:

17 Q. At the time that Mr. Roman
18 allegedly had sex with Ms. Merville in
19 Israel, was Ms. Merville an MEF intern?

20 A. Not MEF. I believe she was an
21 IVP intern.

22 Q. Was she an intern with MEF after
23 you learned, allegedly learned from
24 Mr. Roman that he had sex with

1 Ms. Merville in Israel?

2 A. No.

3 Q. Did you do Ms. Barbounis's
4 performance review?

5 A. I wouldn't think so. I usually
6 sat in on them and Gregg did them.

7 Q. Do you remember if he did a
8 midyear review for Ms. Barbounis?

9 A. I think we did, yeah.

10 Q. When you say "we," who do you
11 mean?

12 A. Gregg and I.

13 Q. It says that "On October" -- I'm
14 looking at your charge again --
15 "October 30th, 2018 Ms. O'Brien and
16 Ms. Barbounis got into an argument due
17 to Ms. O'Brien continuing to document
18 Ms. Barbounis's minor mishaps."

19 Is it true to say that
20 before October 30th, 2018 you and
21 Ms. Barbounis had gotten into arguments
22 before that?

23 A. Yes.

24 Q. Was this a particularly bigger



1 argument than what you normally had?

2 A. Yes.

3 Q. And are you aware now -- and I'm
4 not asking if you were aware at the
5 time. But now sitting here today are
6 you aware of some of the messages that
7 Ms. Barbounis sent about you during her
8 employment at the Forum, various
9 derogatory messages with words that I'm
10 not inclined to use on the record but I
11 will if you need me to?

12 A. I need you to.

13 Q. Okay. So there's one where she
14 called you a fucking cunt.

15 A. Ohhh, no.

16 Q. One where she called you a
17 fucking bitch.

18 A. I think she might have called me
19 that to my face a couple of times.

20 Q. Okay. So is it fair to say that
21 prior to October 30th, 2018 you and
22 Ms. Barbounis did not have a friendly
23 relationship?

24 A. I liked her. I didn't not like



1 her. She was difficult to work with
2 and we would have differences.

3 So I would say, you know, it
4 would fluctuate. We would get along
5 well and then when we didn't, we
6 didn't.

7 Q. Why didn't you when you didn't?

8 A. Gregg would tell me, like when
9 he was leaving on a trip or something
10 he had told me that him and Daniel saw
11 me as management and he wanted me to
12 act as a supervisory person when he
13 wasn't in the office.

14 So when I would try to do
15 that it would piss her off and she
16 would say you're not my boss. And I
17 was like I'm doing my job; that's what
18 I was told to do.

19 And she would just
20 repeatedly tell me you're not my boss,
21 you're not my boss.

22 So on one hand he's telling
23 me to act as a supervisor, you know,
24 make sure she's toeing the line and

1 doing her job. And not just her. It
2 happened with other people as well.

3 And then I found out after
4 the fact when they would complain to
5 him that I told them to do something
6 that he would say don't listen to her,
7 she's not your boss. Like so he would
8 then was basically pitting me against
9 everyone.

10 Q. When did you find that out?

11 A. After the fact. After, you
12 know, he was out of the office.

13 Q. So after November 1st, 2018?

14 A. Yes.

15 Q. And who did you find that out
16 from?

17 A. I think it was Lisa and maybe
18 Tricia.

19 Q. So the October 30th, 2018
20 argument with Ms. Barbounis, describe
21 to me how that happened.

22 A. I was documenting, so I guess I
23 was on her a little bit. And she was
24 very stressed out I guess because she,

1 she was always worried about her job at
2 that point.

3 So I think she was being
4 loud outside of the office and I told
5 her to be quiet. And she just lost it
6 and she kind of squared up, walked into
7 my office telling me I was a bitch and
8 I needed to mind my own business and
9 who do you think you are?

10 And I was like I stood up
11 out of my desk and I squared right back
12 up and I walked her -- we argued. I
13 can't remember what was said at that
14 point. And I backed her right into her
15 office and shut the door and I walked
16 out.

17 She came back out. I
18 remember feeling like Matt Bennett had
19 fueled the fire on that as well and I
20 think he told them that I told Gregg
21 something.

22 So he was in the bathroom
23 when that happened and I finished
24 yelling at her and he came in and I

1 told him that he was an asshole and I
2 left for the day.

3 Q. Okay. You said Matt Bennett
4 told them.

5 Are you talking about your
6 coworkers?

7 A. Tricia and Lisa.

8 Q. I ask just because the pronouns
9 make it hard to follow later so I just
10 try to get names associated with them
11 if we can.

12 So the October 30th incident
13 was in your opinion fueled by
14 Mr. Bennett. Is that correct?

15 A. Yeah. He threw fire on it for
16 sure.

17 Q. Then it says -- you said you
18 left for the day. In other words, you
19 walked out, right?

20 A. I was pissed. I left, yeah.

21 Q. Do you have knowledge of whether
22 Ms. Barbounis uses drugs?

23 A. I mean she takes Adderall.

24 Q. I mean illegal drugs.

1 A. I don't.

2 Q. Including marijuana?

3 A. I don't think she smoked
4 marijuana.

5 Q. The next day, October 31, 2018,
6 you arranged to meet with Ms. Barbounis
7 to address the argument that happened
8 the previous day. Is that correct? It
9 was your idea to meet to address the
10 argument?

11 A. Yeah. So I had yelled at Matt
12 and I had yelled at Lisa. And Gregg
13 called me and was like, you know, what
14 happened or whatever?

15 And he told me to write it
16 up and --

17 Q. Excuse me. When you say "he,"
18 do you mean Bennett or Roman?

19 A. Gregg told me to write up the
20 situation, what happened before the end
21 of the night or whatever, and get it to
22 him.

23 He also told me that I
24 needed to call Matt and smooth it over

1 with him because we all had to work
2 together and everything.

3 So they were going to be
4 at -- they were doing a radio show at
5 the time, so they were going to be at
6 the radio show in the morning. He
7 wouldn't be --

8 Q. Who is "they"?

9 A. "They" are Gregg and Matt.

10 Q. Okay.

11 A. So it would have been me in the
12 office, me, Lisa, Tricia, Delaney,
13 Caitriona and Thelma. I'm not sure if
14 Thelma was in on either of those days,
15 but that's who would have been in the
16 office.

17 And so he had told me to
18 call Matt and smooth it over or maybe
19 he told Matt to tell me. I think he
20 told Matt to call me and smooth it
21 over.

22 So during the course of that
23 conversation, you know, we were talking
24 about it and I think he alluded to me

1 that something had happened between
2 Gregg and Lisa in Israel and that she
3 didn't report it. So whatever. I
4 guess we smoothed it over somewhat.

5 And then Gregg had asked me
6 about it. I think he called me the
7 next morning or something. And I had
8 said yeah, that we smoothed it over and
9 that I was a little bit uncomfortable
10 going back to the office after that and
11 just with everybody I thought it would
12 be uncomfortable for everyone.

13 So I said I'm going to have
14 coffee with her and just try to get to
15 a place where we're going to be civil
16 to each other. I don't want it to be
17 weird when we go into the office or,
18 you know, for the day.

19 So I went and I think we met
20 at the Starbucks right down the street
21 and we grabbed a cup of coffee. And we
22 were so I guess hostile or I guess
23 angry that we didn't even speak the
24 entire time we were waiting in line for

1 coffee. We didn't really talk to each
2 other at all. We got the coffees and
3 we walked down the street and sat on a
4 bench. And I was like you know, look,
5 I was doing my job or whatever we were
6 talking about.

7 And she became completely
8 unhinged, which wasn't like her because
9 she's really more of the angry,
10 aggressive alpha person. And she was
11 like unhinged and crying and saying how
12 she was worried about her job, they're
13 always coming at her that she didn't do
14 this and she didn't do that and she
15 felt like I was persecuting her and
16 harassing her. And I don't know. I
17 think I might have said Matt said this.

18 And then she told me the
19 story of what had happened in Israel,
20 that they were on the couch or whatever
21 and I think he stuck his foot under her
22 butt and then it just escalated to
23 where he was angry and yelling about
24 wanting a blow job and calling Leah.

1 And she had said that she
2 was so scared that she went into the
3 bedroom and locked -- she took a knife
4 from the kitchen and went into --
5 because he's a bigger guy and I guess
6 he was angry and screaming and he
7 usually tries to make you fearful of
8 him anyway.

9 So she took a knife and she
10 said she went into the bedroom, put the
11 knife under her pillow and that she was
12 texting her husband and Tricia and
13 telling them what was happening and
14 that she was scared.

15 And she said to me that she
16 didn't want to say anything. She said
17 I don't want to tell anybody.

18 And I was like look -- and
19 at that point there was a big shift in
20 our relationship because now I am like
21 the HR person and I know it's my job
22 that I can't not say anything because
23 then I'm not doing my job and that
24 could hurt the Forum.

1 So I told her just take a
2 breath. I was like let's go to work.
3 I was like you do your thing. I'm
4 going to do my thing and just take the
5 day and think or whatever.

6 And I think we had talked on
7 the phone that night and I said Daniel
8 Pipes needs to know that this is
9 happening because it's not the first
10 time that he's been accused of it. He
11 needs to know that it's happening and
12 I'm going to report it to him.

13 Q. Your testimony is that the two
14 of you didn't agree to report it to
15 Dr. Pipes until that evening of October
16 31st?

17 A. It wasn't really an agreement.
18 She had told me she didn't want to
19 report it and then that evening I let
20 her know that I was going to report it.

21 MS. SHIKUNOV: Hold on. Can
22 we go off for a minute, please?

23 MS. DIBIANCA: Yes.

24 THE VIDEOGRAPHER: Going off

1 the record at 11:43.

2 (A brief recess was taken.)

3 THE VIDEOGRAPHER: We are
4 back on the record at 11:50 Eastern
5 Time.

6 MS. DIBIANCA: We're back
7 after that brief break. Sorry about
8 that.

9 All right. So I'm trying to
10 think.

11 Actually, Kurt, could you
12 just remind us where we left off, just
13 a couple of sentences or two?

14 THE COURT REPORTER:
15 Certainly.

16 (The reporter read back the
17 last question and answer).

18 MS. DIBIANCA: Terrific.
19 Thanks so much.

20 BY MS. DIBIANCA:

21 Q. So on the bench outside of
22 Starbucks when you and Ms. Barbounis
23 had this conversation and she became,
24 in your words, unhinged, did you tell

1 her at that time that as HR you had an
2 obligation to report anything that was
3 or could be inappropriate?

4 A. I believe so. I don't remember.
5 But she was just so upset and scared
6 that I just wanted her to calm down and
7 I honestly was shocked. I mean I'm not
8 a certified HR person and they knew
9 that. So this was something that I had
10 never dealt with and I wanted to make
11 sure that I handled it the way I was
12 supposed to, but I just wanted her to
13 calm down too. And I think I just
14 needed a minute to take it all in and
15 figure out what I was supposed to do.

16 Q. And when did you decide what you
17 were supposed to do?

18 A. And what?

19 Q. When did you decide what you
20 were supposed to do?

21 A. I went home and I just -- it was
22 Halloween so like my kids were out and
23 everything. I think it was Halloween.
24 It was right around there. And I --

1 oh, yeah. Okay. So that was
2 Halloween.

3 And I was busy that night or
4 whatever, so I just was like putting it
5 aside and then, you know, I was
6 thinking on it and thinking about
7 everything. And I said that, you know,
8 it needs to be reported so that's what
9 I did.

10 Q. Didn't you tell Ms. O'Brien --
11 I'm so sorry.

12 Didn't you tell
13 Ms. Barbounis after you left the park
14 bench that the other people in the
15 office were going to ask you what you
16 talked about and you needed to come up
17 with an agreed-upon story?

18 A. I didn't -- I think everyone in
19 the office knew that this happened. I
20 did not want Gregg to get wind of what
21 was happening. His sister worked in
22 the office as well and he would send
23 her around to see who was at their
24 desks and just I always felt like she

1 was kind of creeping on everybody to
2 give him information.

3 There was a situation with
4 two women who were unhappy with him and
5 they never reported anything to me.
6 They took it upon themselves to meet
7 and they were like, it was like they
8 were conspiring against Gregg. And
9 that's what he said that they were
10 doing.

11 And then they were like, it
12 did come out that they were taking
13 stuff. I didn't want her and I to come
14 off like we were conspiring. I didn't
15 want there to be gossip. I didn't know
16 that everybody had already known this
17 and the only one that pretty much
18 didn't know it was me.

19 So I just wanted to keep
20 separate while I figured out what to do
21 because I was scared.

22 Q. And the two women were named
23 Lara and Laura, correct?

24 A. Yes.

1 Q. So do you recall sending a
2 message to Ms. Barbounis shortly after
3 your meeting on the park bench telling
4 her they're going to ask what we talked
5 about?

6 A. I don't, but I think I probably
7 did. I was very nervous. I didn't
8 want, again I didn't want to seem like
9 Lara and Laura, like all of a sudden
10 like we were making stuff up about
11 Gregg. Like it was a real, real
12 problem.

13 And I was nervous and didn't
14 want -- it's a small office and you say
15 oh, don't tell anyone and then everyone
16 in the office knows.

17 Q. Did you tell her that -- didn't
18 you tell Ms. Barbounis right after your
19 meeting on the park bench that the two
20 of you should if asked should say that
21 you discussed your similar
22 personalities and how you needed to
23 respect each other's space?

24 A. And we did actually.

1 Q. No, that's not my question.

2 My question is limited to
3 did you tell her that?

4 A. Yes. Maybe. I don't have the
5 text in front of me so I can't see it.

6 Q. Well, do you recall telling,
7 coming up with a story of what you
8 thought Ms. Barbounis and you should
9 tell others at the office about what
10 you discussed?

11 A. I remember encouraging her to
12 keep this -- my intention was to keep
13 it quiet until we could figure out how
14 we were handling it. Again, because
15 she said she didn't want -- she was
16 saying at that point that she did not
17 want to report it.

18 And I felt like it needed to
19 be reported, but at the same time I
20 didn't want to report it because it
21 was -- I was afraid. So --

22 Q. It was your job to report it
23 though, correct? You are HR?

24 A. I did.



1 Q. Okay. Also that day you told
2 Ms. Barbounis that the two of you
3 needed to steer clear of each other
4 around everyone else, correct?

5 A. She kept like talking to me,
6 like she was, she was -- I didn't want
7 to seem like we were buddy buddy at
8 that point. I felt like I needed space
9 from her because of this as well.

10 Q. I don't follow that at all.
11 Could you explain that?

12 A. Well, I'm HR and she reported it
13 to me. I didn't want it to seem like
14 all of a sudden I was like buddy buddy
15 with her and there was a conspiracy, is
16 what I was afraid of, oddly enough,
17 because that's what happened with Lara
18 and Laura and I did not want to repeat
19 that.

20 I wanted to figure out how I
21 wanted to handle it and I wanted to do
22 it and I didn't want office gossip. I
23 didn't want Stacey reporting back to
24 them they're talking, they're talking,

1 dah-dah-dah.

2 I just was trying to --

3 Q. Hide it?

4 A. No, not hide it. That's not
5 what I said.

6 Q. You said to her that --

7 A. What I said was I didn't want
8 everybody in the office to know and I
9 didn't want everybody in the office to
10 wonder why all of a sudden we had a big
11 secret.

12 I was trying to maintain
13 professionalism.

14 Q. You said, quote, they need to
15 think we are at odds though; they are
16 trying to pit us against each other,
17 probably to get rid of us both.

18 A. Yes.

19 Q. Does that sounds like a
20 conspiracy?

21 A. It sounds like I was nervous
22 about my job because I had knowledge
23 now that now I know why he would want
24 to get rid of me.

1 Q. And that you were attempting to
2 have Ms. Barbounis go along with you to
3 hide your knowledge from the Forum,
4 correct?

5 MS. SHIKUNOV: I'm going to
6 object to form.

7 This is a, first of all,
8 mischaracterization of text messages
9 that you're not presenting to the
10 witness. You're asking --

11 MS. DIBIANCA: I'll present
12 them. Let me just put them up.

13 MS. SHIKUNOV: Let me finish
14 my objection. If you want to put them
15 up, you can put them up.

16 But also it's mis-
17 characterizing what she just said to
18 the point that you said you were hiding
19 it and she specifically said no and now
20 you're saying that she said that again.

21 That's my objection on the
22 record.

23 THE COURT REPORTER: I'm
24 sorry. I couldn't pick up all the

1 words you said.

2 MS. SHIKUNOV: I was
3 clarifying I was done speaking for
4 Molly's sake so that we didn't speak
5 over one another because it's clunky.

6 MS. DIBIANCA: What was the
7 last word, Erica?

8 MS. SHIKUNOV: I said
9 clunky, awkward.

10 (A discussion was held off
11 the record)

12 MS. DIBIANCA: Let's just go
13 back and we'll clarify so that your
14 counsel's objection -- let me try to
15 make that right.

16 BY MS. DIBIANCA:

17 Q. So after the park bench, I'm
18 still talking October 31st, 2018,
19 following your conversation with
20 Ms. Barbounis that day, did you want
21 Ms. Barbounis to hide what you two had
22 discussed from the others at MEF?

23 A. Keep it private?

24 Q. Sure.



1 A. Yes.

2 Q. And you wanted her to steer
3 clear of you in the office, correct?

4 A. I did.

5 Q. And was that because you did not
6 want people to suspect that the two of
7 you had knowledge of something that the
8 others did not have knowledge of?

9 A. Well, they all did have
10 knowledge of it actually.

11 Q. At the time you did not know
12 that, correct?

13 A. Yes.

14 Q. Okay. So I'm talking about at
15 that time on October 31st, 2018 you
16 wanted her to steer clear of you in the
17 office because you did not want her by
18 being around you to raise suspicions
19 with the others at MEF. Is that
20 correct?

21 A. I didn't want the entire office
22 to know that there was a potential,
23 more specifically Gregg's sister, to
24 know that there was the potential of

1 this claim being filed before I filed
2 it.

3 Q. Okay. And did you think that
4 they were trying to pit you and
5 Ms. Barbounis against one another?

6 A. Who's "they"?

7 Q. Did you think anyone at MEF was
8 trying to pit the two of you against
9 each other?

10 A. Yes.

11 Q. Who?

12 A. Gregg Roman.

13 Q. And who else?

14 A. Possibly Matt Bennett, but
15 that's it.

16 Q. Did you think they were trying
17 to get rid of you both, meaning you and
18 Ms. Barbounis?

19 A. I after the quarterly meeting
20 where I had --

21 Q. I have to interrupt. I'm still
22 talking about just October 31st on
23 2018. On that date did you think that
24 they were probably trying to get rid of

1 both you and Ms. Barbounis?

2 A. I was going to explain that I
3 was fearful for that myself and now I
4 realized why they were trying to get
5 rid of her because after the quarterly
6 meeting and I guess me not agreeing to
7 go to Israel with him he became less of
8 like -- I was not his right hand
9 anymore. It was all of a sudden it
10 shifted and Matt Bennett was like Matt
11 and him were having conversations and
12 it was like there was stuff going on
13 that I didn't know. Like I was out of
14 the loop. I noticed that all of a
15 sudden I was out of the loop.

16 And then I realized -- first
17 off, I thought all of what he was doing
18 was because he had a crush on me. I
19 didn't realize that he was doing it to
20 everybody in the office.

21 So yes, I was fearful at
22 that point realizing he's gearing up to
23 get rid of her and I'm probably next,
24 so I was nervous.

1 Q. Do you remember the Pittsburgh
2 synagogue shooting?

3 A. Yeah.

4 Q. Do you remember that that was
5 just a few days before your meeting
6 with Ms. Barbounis?

7 A. I don't remember the date of
8 that happening, but I do remember it.

9 Q. Do you remember how Mr. Roman
10 reacted to that event?

11 A. I do. He was yelling that
12 nobody cared how he felt about it and
13 he was emotionally distraught. And
14 then he wrote an article and prior to
15 that every time he wrote an article he
16 would write, he would sign it, you
17 know, Gregg Roman, director of MEF and
18 that article was signed Gregg Roman,
19 former director of blah, blah, blah
20 Pittsburgh.

21 Q. You're saying it with a very
22 cavalier tone in your voice.

23 Are you making light of the
24 tragedy that occurred in Pittsburgh?

1 A. Of the tragedy? No, I'm not
2 making light of a tragedy.

3 What I'm saying is his
4 response was that he was trying to get
5 attention for himself from it.

6 Q. Oh, so you're disputing his
7 grieving of that?

8 MS. SHIKUNOV: I'm going to
9 object to that as argumentative.

10 But you can answer.

11 MS. DIBIANCA: That's fine.

12 A. I don't remember him grieving.

13 Q. And you knew at the time,
14 October 31st, 2018, that just a few
15 days before Ms. Barbounis had engaged
16 in an extramarital affair, correct?

17 A. I don't -- I knew that she
18 engaged in extramarital affairs. I
19 think she had told her husband that she
20 didn't want to be married anymore. So
21 my understanding of that was more that
22 they were taking a break from their
23 marriage as opposed to that being an
24 extramarital affair, but I don't

1 remember who it was with or anything.

2 Q. If I said it was with Danny
3 Tommo, would that help you recall?

4 A. Okay.

5 Q. Yes?

6 A. Yeah.

7 A. I do know that she had a
8 relationship with him.

9 Q. You testified earlier that Matt
10 Bennett, quote, alluded, quote, to
11 something happening in Israel.

12 What do you mean he alluded
13 to it?

14 A. That Gregg was inappropriate.

15 Q. And when did he make such an
16 allusion?

17 A. When I spoke to him the night
18 before I had coffee with her. That was
19 the first time I had ever heard of it
20 since I kind of got that inkling
21 before.

22 Q. And the inkling you got was
23 because of what?

24 A. When they got back from the trip

1 they were awkward around each other and
2 he had made that comment and she had
3 made the comment about the shit he
4 pulled in Israel.

5 Q. The shitty what in Israel?

6 A. The shit he pulled in Israel.

7 Q. Okay. Sorry. I thought you
8 used a noun.

9 And as HR director you
10 didn't follow up with Mr. Bennett about
11 that, what you felt he was alluding to?

12 A. No. Because I talked with her
13 about it the next day.

14 Q. But I'm talking about during
15 your call with Mr. Bennett on the
16 evening of October 30th you just let it
17 go?

18 A. I mean he said don't say
19 anything, don't say anything, don't say
20 anything.

21 I didn't let it go. I met
22 with her the next morning and discussed
23 it.

24 Q. Well, when you say alluded to,

1 what do you mean by alluded?

2 A. He said that he was hit on her
3 in Israel or something happened in
4 Israel. I think that's what he said.
5 Something happened in Israel between
6 the two of them is what he said,
7 something along those lines.

8 Q. And you didn't follow up with
9 him during that call to say what do you
10 mean, Matt?

11 A. Yeah.

12 MS. SHIKUNOV: I object to
13 form. That's asked and answered.

14 A. I did.

15 MS. SHIKUNOV: She just said
16 three times now that she met with Lisa
17 Barbounis and discussed it with her the
18 next morning.

19 Q. My question was: You didn't
20 follow up with Mr. Bennett during the
21 call with Mr. Bennett?

22 A. I did. I'm sure I was asking
23 him questions and he just was saying I
24 don't know, I don't know, like ask Lisa

1 or whatever.

2 Q. But you don't have a specific
3 recollection of that or you do?

4 A. I do. I mean I wouldn't have
5 him tell me something like that and
6 then not even ask one question about
7 it.

8 Q. Okay. Let's return to your
9 charge, please. We'll go to the third
10 page of it. This is Exhibit 1.

11 "As a result of
12 Ms. O'Brien's letter," I don't know
13 that we talked about that so let's go
14 back to page 2. The last sentence on
15 page 2 says "She notified Dr. Pipes."
16 I'm sorry. Let me go backwards. I
17 apologize.

18 "Upon hearing this
19 information on November 1st, 2018,
20 Ms. O'Brien wrote a letter to Daniel
21 Pipes, respondent's president, to
22 address how Mr. Roman came onto her
23 when they went to dinner, how Mr. Roman
24 tried sleeping with Ms. Barbounis and

1 how Mr. Roman slept with Ms. Merville,
2 a young, female intern, when she went
3 to Israel."

4 So let's take that piece by
5 piece. Is it correct to say that on
6 November 1st, 2018 you wrote a letter
7 to Dr. Pipes?

8 A. Yes.

9 Q. You gave it to him on November
10 1st or you wrote it on November 1st?

11 A. I wrote it that morning. Let me
12 look. Let me think.

13 Yeah. Because I slept on it
14 and I went in the office and I wrote
15 it. I wanted to report it, but Gregg
16 had access to my computer. There were
17 many times where my mouse would just
18 jump across or there were times where I
19 felt like he was on while I was on.

20 There were other times where
21 I know that he went into my computer
22 when I wasn't there and had been
23 through my social media that I left
24 opened on there so --

1 Q. How do you know that?

2 A. Well, one day he asked me to get
3 office chairs because we had really bad
4 office chairs. So he sent me this ad
5 and said there were all these like --
6 he saw it on Facebook, he got it on his
7 Facebook. All these office chairs that
8 were needed came up on his Facebook
9 Marketplace.

10 Facebook Marketplace puts
11 stuff in your area and the ad that he
12 had was like near me. Like he
13 shouldn't have been getting ads from my
14 area.

15 He made it known that he was
16 able to get information, that he was
17 able to hack into people's computers
18 and phones. There was a widespread
19 sense of paranoia about social or your
20 personal information and the fact that
21 he bragged about being able to get to
22 it if he wanted to.

23 He also would go through I
24 think my -- he had the ability and the

1 right to go through my work e-mail.

2 And he would do that and he would give

3 me a hard time more than once if I was

4 having any kind of correspondence with

5 Daniel without his knowing about it.

6 He did not want me corresponding with

7 Daniel at all unless he knew about it.

8 And he was always going, you know, into

9 my -- I felt like he was always going

10 into my e-mail and stuff.

11 So I was afraid to put it on

12 my computer because I didn't want him

13 to see it. I didn't want him to know.

14 I was like really scared. Again, I'm

15 HR, but this is like way above what I

16 had ever dealt with so I was really

17 trying to be mindful to handle it

18 properly.

19 So I ended up writing the

20 note, writing everything down, and I

21 was trying to give him a really clear

22 picture of all the shenanigans that

23 were going on there because he was so

24 far removed from it he just didn't seem

1 to care about it.

2 So I wrote it down by hand
3 and then I took pictures of it and I
4 sent it to him and Marc I think through
5 telegram, but then they weren't able to
6 read it. So then my next thing was I
7 did it in my phone, I took the pictures
8 and I sent them from my personal gmail
9 to Marc's and Daniel's personal gmail.

10 Q. You don't have any actual
11 knowledge of Mr. Roman accessing your
12 computer without your knowledge,
13 correct?

14 A. No. He -- no.

15 Q. Those are your suspicions,
16 correct?

17 A. Yes.

18 Q. When you say you sent it, you
19 sent the pictures of the handwritten
20 complaint to him, you mean Dr. Pipes,
21 correct?

22 A. Dr. Pipes and Marc Fink.

23 Q. Okay. You said the word "he" so
24 I just want to make sure we get a clear

1 record.

2 Have you reviewed that
3 handwritten complaint in preparation
4 for today?

5 A. No.

6 Q. What did you review in
7 preparation for today?

8 A. I don't know. Just trying to
9 remember --

10 MS. SHIKUNOV: She's asking
11 you specifically documents you
12 reviewed. Don't tell her about
13 conversations that we had.

14 A. Oh, documents? I guess we
15 looked at the charges. I don't know
16 that we looked at any specific
17 documents.

18 Q. All right. So you handwrote
19 your complaint. Did you put everything
20 in that handwritten complaint that you
21 were aware of?

22 Was it a complete recitation
23 of the issues?

24 A. No.



1 Q. Why not?

2 A. What I put took six pages. I
3 didn't, I didn't put down every
4 occurrence of every little thing that
5 happened. I tried to give him a good
6 overview of what was happening.

7 Q. "Him" meaning Dr. Pipes?

8 A. Dr. Pipes, yes.

9 Q. And you gave it to Dr. Pipes and
10 Mr. Fink on November 1st, 2018. And
11 then what was the next -- let me ask
12 you this: Did Lisa review the document
13 before you sent it to them?

14 A. I did let her read it. She was
15 terrified and I think Gregg was
16 painting a picture of her. He actually
17 said to me one day what do you think of
18 her? Stacey think she's crazy. Do you
19 think she's crazy?

20 So that was kind of the
21 narrative I think that he was trying to
22 run or create. And I think she was
23 afraid that -- you know, she didn't
24 really trust me. She didn't trust me

1 100 percent. She was afraid I think
2 maybe that I would, you know, turn the
3 tables and present it a different way
4 and that she was going to get fired.
5 She didn't trust me at all.

6 So I did let her read it. I
7 didn't change a thing on it. I didn't
8 add anything to it. It went as I wrote
9 it.

10 Q. Do you know that Ms. Barbounis
11 recorded a telephone call without your
12 knowledge?

13 A. I do know that now, yeah.

14 Q. Do you think Ms. Barbounis is
15 crazy?

16 A. No.

17 Q. Do you think she's stable?

18 A. I'm not -- she seems fine. She
19 seems high-strung.

20 Q. Is it fair to say that you
21 coached Ms. Barbounis with regard to
22 what she should or should not say to
23 Dr. Pipes after --

24 A. There's no --

1 Q. I've got to finish my question.

2 All right?

3 Is it fair to say that you
4 coached Ms. Barbounis on what she
5 should or should not say to Dr. Pipes
6 after the complaint was submitted on
7 November 1st, 2018?

8 A. I don't know. I may have made
9 recommendations to her because she
10 flies off the handle, but I doubt she
11 listened to them.

12 Q. Okay. What happened after you
13 submitted the complaint to Dr. Pipes?

14 A. I think he came in later that
15 day and he went around and interviewed
16 everybody separately and asked them,
17 you know, what happened, their
18 experiences I guess with Gregg, if they
19 knew anything, if they experienced
20 anything and then he left.

21 Originally I think he said
22 that he was going to tell them not to
23 do that anymore and then he must have
24 like researched or maybe he talked to

1 somebody and he started to take it more
2 seriously at that point.

3 Q. So is it correct to say that
4 Dr. Pipes interviewed each of the
5 employees in the Forum, that worked in
6 the office after he received the
7 complaint?

8 A. Yes.

9 Q. Did that include you?

10 A. I believe, but I mean we had
11 spoken. I don't know if he maybe
12 called -- yeah, it did.

13 Q. Did you tell him that there were
14 other things of concern to you outside
15 of the five pages or six pages that you
16 submitted?

17 A. I don't recall. I think we were
18 probably focusing on what was written
19 there at that point.

20 Q. At that time did you tell Matt
21 Ebert what was going on?

22 A. No.

23 Q. When did you first tell
24 Mr. Ebert about the situation at work?



1 A. I don't know exactly. I mean I
2 think at one point I was talking with a
3 friend on the phone and he maybe asked
4 me a question and then I, you know, may
5 have answered it. And he overheard I
6 guess some of what I was saying and
7 maybe kind of got the gist that there
8 was something going on and I just said
9 I have an issue at work or whatever.

10 But I was -- you know, I had
11 just been dating him, I guess. Do you
12 know what I mean? So I didn't say too
13 much to him early on and I certainly
14 didn't confide in him for help with it
15 or anything.

16 Q. You had been dating him for six
17 months at that point, right?

18 A. Yeah.

19 Q. According to the complaint. So
20 did a time come that you eventually did
21 tell Mr. Ebert about the issues you
22 were having at work?

23 A. Wait. I didn't start dating him
24 until 2019.

1 Q. Okay.

2 A. I wasn't dating him at the time
3 that this was all happening.

4 Q. Okay. And so Daniel Pipes spoke
5 with the individuals in the office and
6 then what happened?

7 A. I said that he said that he was
8 going to tell Gregg not to do that
9 anymore. And then he must have had,
10 you know, conferred with somebody and
11 decided to take it more seriously and
12 then he called a meeting.

13 Q. What was he going to tell Gregg
14 not to do anymore?

15 A. I guess be sexually harassing
16 people.

17 Q. You're going to have to explain
18 that to me.

19 A. That is what he said. I think
20 he actually said it to Lisa. So I gave
21 him the complaint written with all of
22 that stuff in it and he went around and
23 interviewed everybody and he said he
24 was going to tell Gregg to act right.

1 I don't know. He said he was going to
2 have a talk with him.

3 Q. And he told Lisa that, correct?

4 A. I believe, yeah.

5 Q. And then you said he called a
6 meeting.

7 A. Yes.

8 Q. So Dr. Pipes called a meeting.
9 When was the meeting held, who was
10 there and what happened?

11 A. The meeting was on --

12 Q. I'm sorry to interrupt. But
13 what document are you looking at right
14 now?

15 A. The charges.

16 Q. Okay.

17 A. Because I wanted to be sure of
18 the dates because I don't know them off
19 the top of my head.

20 Q. That's fine. Feel free to refer
21 to it at any time.

22 A. November 5th he called a staff
23 meeting and it was just the office
24 people and Marc. So Marc was invited,

1 Matt, me, Lisa, Tricia, Caitriona,
2 Delaney, Stacey, Gregg's sister, and
3 Thelma.

4 Q. And Stacey Roman was an employee
5 of the Forum at that time, correct?

6 A. Yes.

7 Q. So Mr. Roman did not attend,
8 correct?

9 A. No. He was supposed to and then
10 Daniel told him he didn't want him
11 there.

12 Q. What do you mean he was supposed
13 to?

14 A. Originally I was told that he
15 was inviting Gregg to attend and then I
16 was told later that he didn't want him
17 to attend.

18 Q. Dr. Pipes told you that or that
19 was in an e-mail?

20 A. I don't know. Maybe it was in
21 an e-mail, but I learned that he
22 wouldn't be attending.

23 Q. As an HR professional do you
24 think it was appropriate for Mr. Roman

1 to not be present at that meeting?

2 A. At that point -- so, again, I
3 said that I wasn't certified in HR and
4 this was all above my head. And at
5 that point Marc was the one, you know,
6 he has had experience in this. And so
7 I was no longer -- he was the one
8 handling it at that point.

9 Q. Okay. But my question is at the
10 time was it your opinion that Mr. Roman
11 should have attended?

12 A. I thought it was weird that he
13 wasn't but, again, Marc and Daniel took
14 it out of my hands. I wasn't consulted
15 about who should attend or what I
16 thought. I was told to be there.

17 Q. Were you upset that you weren't
18 consulted?

19 A. I just thought that because I
20 had shared my experiences that they
21 probably were taking me away from it,
22 but no, I wasn't upset. I wanted Marc
23 to be involved. That's why I cc'd him.

24 Q. And you wanted him to be

1 involved because you thought it would
2 be handled with seriousness, correct?

3 A. Correct.

4 Q. You say you're not certified in
5 HR. Does that mean that you're not
6 competent in HR?

7 A. I'm not competent? No. It
8 means that I don't have certifications.
9 I have experience, but I don't have a
10 certification in it.

11 Q. But you're qualified as an HR
12 person, in other words?

13 A. They seemed to think so. They
14 hired me.

15 Q. You represented to them that you
16 were, didn't you?

17 A. I think I did a lot there to
18 create the foundation of an HR
19 department that they did not have prior
20 to that so --

21 Q. Didn't your cover letter
22 specifically say that you had
23 significant HR experience?

24 A. I did. And I do.

1 Q. At the time you were hired you
2 represented to the Forum that you were
3 a qualified HR professional, correct?

4 A. When we had our discussions they
5 knew that I did not have
6 certifications. I --

7 Q. Certification is not what I'm
8 asking.

9 I'm asking whether you were
10 qualified, whether you had enough
11 experience and background as an HR
12 professional to perform the duties of
13 an HR professional.

14 Did you or did you not tell
15 them that?

16 MS. SHIKUNOV: I would just
17 ask that the witness be permitted to
18 complete her answer in full before the
19 next question comes.

20 But with that, Marnie, you
21 can answer the question.

22 A. I told them that I had
23 experience in HR, that I helped create
24 an HR department foundation where I had

1 worked before, that I did onboarding
2 and offboarding. I did do sexual
3 harassment trainings and I did like
4 performance reports and initiated and
5 implemented those practices.

6 And they said that that is
7 what they wanted as well.

8 Q. Did you ever tell MEF that you
9 were not qualified to handle HR duties?

10 A. I believe I may have said that
11 this was out of my wheelhouse and then
12 I presented it to them.

13 Q. Were you competent to handle HR
14 duties?

15 A. I felt like I handled it exactly
16 like I was supposed to.

17 MS. SHIKUNOV: Molly, it
18 doesn't have to be right this minute
19 but at some point can we take like a
20 longer break for lunch?

21 MS. DIBIANCA: Yes. We
22 definitely can. Let me get through the
23 meeting, the meeting we're about to
24 talk about, and then we can break, if

1 that works.

2 MS. SHIKUNOV: Okay.

3 BY MS. DIBIANCA:

4 Q. So, Ms. O'Brien, at the meeting
5 you've described this would have been
6 November -- I'm sorry. Was it the 1st
7 or the 5th?

8 A. I think it was the 5th.

9 Q. Okay. You already identified
10 who was present for the meeting. Who
11 led the meeting, who spoke?

12 A. Daniel.

13 Q. And what did he say?

14 A. Gosh, I don't remember any exact
15 words or anything like that, but he
16 felt that I guess upon speaking with
17 everyone and what was presented to him
18 that he felt that Gregg behaved poorly
19 and that he was going to remove him
20 from the office and that he would, you
21 know, not -- I can't remember if it was
22 then that he laid down like what he was
23 going to do or if it was in an e-mail.

24 And I kind of think he may



1 have just like wanted to know
2 everybody's story. We were all talking
3 about it, I guess, what happened, and
4 everybody really didn't say too much.
5 Matt Bennett, who had been very verbal
6 prior to that about an anti-Gregg and
7 not feeling that he was a good
8 executive director, he was very verbal
9 about that. He was very verbal about
10 the way that he felt he treated people
11 poorly and the stories that he had told
12 that he said he knew he didn't say
13 anything in front of Stacey. And I
14 think everybody was kind of hesitant to
15 say anything in front of Stacey because
16 it was her brother.

17 So he just had the meeting
18 and everybody kind of told their
19 stories. And then I think he followed
20 up with an e-mail. I don't think he
21 decided then how he was handling it,
22 but he just took that and went.

23 And then he came back later
24 with an e-mail to everyone telling them

1 what he was going to do.

2 Q. Did everyone who wanted the
3 opportunity to speak, was everyone
4 given an opportunity to speak who
5 wanted to speak at that meeting?

6 A. They were. Again, I think that
7 everybody probably didn't say as much
8 as they would have if Stacey wasn't
9 there.

10 Q. And why do you think that? Did
11 anyone say that or imply that?

12 A. Yes. Everyone was uncomfortable
13 to talk about, to say too much about
14 what he did. You know, he's married.
15 He has kids. That's her brother and
16 sister-in-law. I think everybody was
17 uncomfortable with that.

18 Q. You say everybody was
19 uncomfortable you think. Did anyone
20 tell you --

21 A. I was and I know that other
22 people had mentioned that they didn't
23 say everything that they might have
24 said if she wasn't there. And I know

1 everybody mentioned that they were kind
2 of confused by how quiet Matt was.

3 Q. And you say "everybody." Do you
4 mean that literally, that every person
5 other than Daniel Pipes and Marc Fink
6 told you after the meeting that they
7 were not comfortable?

8 A. Probably not Thelma.

9 Q. Mr. Bennett?

10 A. Oh, no. Actually, Lisa told him
11 he was a pussy and he didn't say
12 anything, you know, he didn't talk and
13 say what he should have said. And she
14 said that in front of everybody.

15 Q. How does that get us to him
16 saying that he didn't say anything, say
17 more because of Stacey?

18 A. I didn't say that he said that.
19 I said that we felt that we didn't say
20 anything and everybody commented how
21 Matt didn't say anything.

22 Q. Okay. So when you say
23 "everybody," give me the names of the
24 people who told you that they did not

1 feel comfortable speaking out during
2 the meeting because of the presence of
3 Stacey Roman.

4 Identify those people for
5 me, please.

6 A. I know, I believe it was like
7 discussed by a group of us after the
8 meeting and it was like in the office
9 afterwards. I think Stacey left
10 directly after and everybody was kind
11 of like oh, it was weird with Stacey
12 being there; I didn't want to say
13 anything to upset her.

14 MS. SHIKUNOV: Give her
15 names. She's asking you for names.

16 A. Caitriona, Delaney, Tricia,
17 Lisa, probably not Thelma because
18 Thelma just, she doesn't like drama and
19 she stays out of it and she doesn't
20 want to be a part of it it seemed. But
21 no, Matt didn't say that. Everybody --
22 Lisa told him he was a pussy because he
23 didn't, you know, say everything that
24 he said he was going to say.

1 Q. What do you mean everything he
2 said he was going to say?

3 A. Well, he was talking to Daniel a
4 lot. As soon as, as soon as this
5 happened, I think Daniel had called
6 Matt and I into his office or whatever
7 and Matt was on the edge of his seat.
8 He was gunning for Gregg's job from the
9 get, from that minute, on the edge of
10 the seat, Daniel, whatever you need,
11 whatever you need, Daniel, whatever you
12 need I'll help you, I got it, I got
13 this, Daniel, don't worry about it, I
14 got this, dah-dah-dah.

15 Q. Slow down.

16 A. What?

17 Q. Slow down because the court
18 reporter can't get it when you go that
19 fast.

20 THE COURT REPORTER: Agreed.

21 Q. So the meeting where you got a
22 whole lot of things getting jumbled
23 together now in my mind, so you said
24 that -- did any of the women tell you

1 directly hey, Marnie, I was not
2 comfortable sharing but I had more to
3 share?

4 A. They said they were
5 uncomfortable talking about anything in
6 front of Stacey.

7 Q. Okay. And did you say to them
8 well, look, I gave Dr. Pipes the prior
9 complaint, so go ahead and tell me what
10 the complaint is and I'll convey it to
11 Dr. Pipes?

12 A. No. Because at that point I
13 felt like I had been removed from the
14 HR component because Marc Fink was
15 handling it. Marc was reaching out to
16 everybody. Marc was sending an e-mail
17 that said what are your needs? Like do
18 you have -- like he was reaching out to
19 people and Daniel was reaching out to
20 people.

21 So no, I mean I didn't. I
22 don't think I did.

23 Q. Did you think that any employee
24 had an issue that had not been

1 addressed in the meeting on November
2 5th?

3 A. Do I think that every employee
4 brought up every single thing that
5 Gregg ever said or did to them during
6 that meeting? No. It wasn't long
7 enough.

8 Q. Every material thing?

9 A. I wouldn't know. They can only
10 tell that.

11 Q. You're saying that they told
12 you that they --

13 A. They told me that they did not
14 feel comfortable speaking freely in
15 front of Stacey. That's what they told
16 me.

17 Q. Okay. And by "they" you mean
18 the people you've already identified by
19 name, correct?

20 A. Yes.

21 Q. And then you talked about a
22 meeting with Matt Bennett and
23 Dr. Pipes. When did that occur and
24 yourself?

1 A. I'm not sure. It might have
2 been the day that he came in to talk to
3 everybody. It might have been after
4 that. It was, you know, in the days
5 following everything.

6 Q. And what was the purpose of that
7 meeting?

8 A. Well, Daniel was very removed
9 from anything office related. So now
10 with all of these allegations he was
11 probably trying to figure out what to
12 do because the daily operations were
13 going to be affected.

14 So I can't tell you exactly
15 why we were meeting with him but, you
16 know, he was trying to figure out what
17 to do and he and I were helping him.

18 Q. "He" meaning Daniel Pipes was
19 trying to figure out what to do and you
20 and Matt Bennett were helping him?

21 A. Yes.

22 Q. Okay.

23 A. He asked for mine and Matt
24 Bennett's help, I guess, or maybe he

1 didn't specifically say I need you to
2 help me but was asking us questions and
3 trying to I guess figure out what
4 needed to be done.

5 Q. At that meeting where it was
6 you, Dr. Pipes and Mr. Bennett, did you
7 tell Dr. Pipes that you felt that
8 employees had refrained from sharing
9 everything with him because of the
10 presence of Stacey Roman at the
11 November 5th meeting?

12 A. I may have. I'm pretty sure I
13 mentioned more than once how
14 uncomfortable I was with Stacey and
15 that I'm pretty sure Matt said it too,
16 that you just didn't want to say
17 anything to upset her.

18 Q. Didn't everyone at the meeting
19 share something? The November 5th
20 meeting I'm referring to.

21 A. I'm not sure.

22 Q. Following the meeting on
23 November 5th is it correct that
24 Dr. Pipes announced that Mr. Roman

1 would no longer be returning to the
2 office?

3 A. Yes.

4 NS, DIBIANCA: Erica, I'm
5 going to do a few more but not many, so
6 you don't think I forgot again.

7 MS. SHIKUNOV: All right. I
8 get hangry.

9 MS. DIBIANCA: Me too.

10 BY MS. DIBIANCA:

11 Q. Now, Dr. Pipes also informed
12 Mr. Roman that Mr. Roman would no
13 longer be running the administration of
14 the Forum, correct?

15 A. That's my understanding.

16 Q. And Dr. Pipes, effective
17 November 5, 2018 Dr. Pipes also imposed
18 certain restrictions on Mr. Roman's
19 activities, didn't he?

20 A. What do you mean "activities"?

21 Q. For example, Mr. Roman was to
22 have no involvement in the approval of
23 expenses or initiatives?

24 A. Yes.

1 Q. Mr. Roman was to have no
2 involvement in the hiring or firing of
3 employees, including project directors,
4 correct?

5 A. I believe. He was not supposed
6 to have any supervisory role over staff
7 members.

8 Q. No authority over administrative
9 staff, correct?

10 A. Or any staff, hiring, anything.

11 Q. Okay. Mr. Roman was also
12 instructed to not offer or approve
13 contracts on behalf of the Forum,
14 correct?

15 A. I believe so, yeah.

16 Q. And he was instructed to not
17 have involvement in the Forum's
18 accounting, finances, office affairs
19 and personnel issues and property
20 management, correct?

21 A. I believe so. As far as the
22 accounting went, I didn't want him to
23 have access to my work product. So I
24 think, you know, it might have been

1 that for the accounting issues.

2 But we shared passwords and
3 there was a lot of money, investments
4 and whatchamacallit, you know, just in
5 the bank accounts that I didn't want
6 anything to happen to because I was
7 afraid he would do something to make it
8 look like I stole or that I, you know,
9 did something wrong.

10 So I didn't want him having
11 access to my work product.

12 Q. And he was instructed by
13 Dr. Pipes, that authority was removed
14 from him after November 5th, correct?

15 A. Yes.

16 Q. And he was also instructed that
17 he had no authority over the Forum's
18 education fund monies anymore, correct?

19 A. Yes. Well, he didn't really
20 have any -- Daniel had given him a
21 certain amount to allocate to
22 organizations and I think he revoked
23 that.

24 Q. And Dr. Pipes also told

1 Mr. Roman that Mr. Roman was to no
2 longer have access, physical access to
3 the Philadelphia office, correct?

4 A. I think he had to make -- he had
5 to request access to make sure that
6 basically there are no female staff
7 members there or if they were they were
8 comfortable with him being there.

9 So I don't know. He was
10 told to work remotely and I don't know
11 that he was never allowed back, but it
12 was more that he had to make sure that
13 I guess we were comfortable with him
14 being there.

15 Q. And Dr. Pipes also instructed
16 Mr. Roman to not have contact with the
17 Forum's female employees outside of
18 business hours other than via Forum
19 e-mail, correct?

20 A. Yes.

21 Q. And Dr. Pipes also instructed
22 Mr. Roman that Mr. Roman was to, any
23 e-mails he sent must be business
24 related, correct?

1 A. I'm sorry. What?

2 Q. Dr. Pipes also instructed
3 Mr. Roman that any e-mails Mr. Roman
4 sent to any employees at the Forum must
5 be business related, correct?

6 A. I believe, yeah.

7 Q. After November 5th, 2018 through
8 the end of your employment did you
9 personally observe Mr. Roman in the MEF
10 office?

11 A. He did come back and it wasn't
12 like right away. He I'm going to
13 say -- I know one time he came back to
14 pack up his office. I didn't feel he
15 should be allowed to do that. I felt
16 like we should just pack it up and send
17 it to him, but Daniel arranged for him
18 to come in and pack his things.

19 Q. Were you there for that?

20 A. No.

21 Q. So my question was: From
22 November 5th, 2018 through the end of
23 your employment at MEF, did you
24 personally observe Mr. Roman in the MEF

1 office?

2 A. There was a point when it first
3 happened that he was not allowed in the
4 office and then he was given back I
5 guess some of his authority or tasks or
6 responsibilities. So he then would
7 come into the office, but Daniel would
8 make sure that he gave -- the agreement
9 I think -- there was a new agreement.
10 There was an original agreement and
11 then there was a secondary agreement.
12 And I think after the secondary
13 agreement it was that he would come to
14 the office but he had to -- you know,
15 we had to be given notice to know that
16 he was coming or something like that.

17 So I did see him one time, I
18 think one time in the office.

19 Q. To the best of your knowledge,
20 to the best of your recollection from
21 November 5, 2018 until the end of your
22 employment at MEF you personally
23 observed Mr. Roman in the office on one
24 occasion to the best of your

1 recollection. Is that correct?

2 A. Possibly two, but yes.

3 Q. And at the time of the one or
4 possibly two instances were you
5 notified in advance that he would be in
6 there?

7 A. I think so, yeah. I mean I
8 think there was one time where I
9 thought he was going to be there and I
10 was like upset because I didn't know,
11 but then he ended up not coming or it
12 was misinformation or something.

13 But yeah, I think I knew he
14 was going to be there or whatever.

15 Q. And so the one time that -- I'm
16 understanding your testimony now, just
17 so I'm clear, I'm understanding what
18 you're saying is that you do have a
19 specific recollection of him returning
20 to the workplace on one instance and on
21 that one instance you were notified in
22 advance.

23 Am I understanding your
24 testimony correctly?

1 A. Yes.

2 Q. Yes?

3 A. Yes.

4 Q. And during the one instance that
5 he did return to the office when you
6 were there and you had received
7 advanced notice, was there any issue
8 with Mr. Roman's behavior during that
9 visit?

10 A. I didn't, I didn't like hang out
11 or sit in a meeting. I stayed mostly
12 in my office. I think he was -- I
13 think they were rehiring Gary Gamble
14 and they were having a meeting with
15 Gary and he walked around and was
16 introducing Gary to people and he just
17 walked right by my office and didn't
18 introduce me.

19 Q. So -- sorry.

20 A. So no, I wouldn't have been able
21 to notice any behavior because I wasn't
22 around him.

23 Q. So there was no -- you didn't
24 interact with him during that visit, is

1 that right, other than him -- I guess
2 did you interact with him at all during
3 that visit?

4 A. I don't think so. I don't
5 recall.

6 Q. Okay.

7 MS. DIBIANCA: All right. I
8 drug it out long enough so let's go
9 ahead and take lunch.

10 We can go off the record.

11 THE VIDEOGRAPHER: Going off
12 the record at 12:47.

13 (Recessed for lunch at 12:47
14 p.m.)

15 - - - - -

16 AFTERNOON SESSION

17 1:23 p.m.

18 THE VIDEOGRAPHER: We are
19 back on the record at 1:23 p.m. Eastern
20 time.

21 BY MS. DIBIANCA:

22 Q. Ms. O'Brien, after November 5,
23 2018 through the end of your employment
24 with the Middle East Forum, did you

1 ever have contact with Mr. Roman
2 outside of business hours?

3 A. I don't believe so.

4 There was one time when
5 there was an issue with Gary Gamble and
6 I think he texted, he might have texted
7 me. I don't know. But I think that
8 might have been one time.

9 Q. Was it a problem?

10 A. With his health insurance.

11 Q. Was there any issue, did
12 anything inappropriate occur?

13 A. I don't think so. I think he
14 didn't have his card and I remember I
15 had sent it to him and Gregg was
16 looking for the card or something and
17 he asked me if he had it or whatever.

18 And I resent, I sent it to
19 him.

20 Q. So with regard to that
21 situation, there was nothing that
22 bothered you about Mr. Roman's conduct,
23 correct, as it relates to that
24 communication?

1 A. I don't think so. There was an
2 issue that had to be handled and it
3 seemed like it was important and it was
4 for an employee, so I don't remember
5 complaining about it.

6 Q. Okay. After November 5th, 2018
7 did Mr. Roman, and other than the
8 incident that you just discussed with
9 Mr. Gamble, did Mr. Roman ever text
10 you?

11 A. I don't recall.

12 Q. If he had, would you have
13 reported it to Dr. Pipes?

14 A. I probably would have, yeah.

15 Q. Because it would have --

16 A. I don't recall if he texted me
17 or not. I was instructed to work with
18 him. So if I felt like it was a work
19 matter -- I don't recall. If there is
20 an instance, show me and I'll tell you
21 if it bothered me or not.

22 But, you know, I do recall
23 that one thing and if he did contact me
24 it wasn't very often.

1 Q. There was never a situation
2 after November 5th, 2018 where
3 Mr. Roman conducted himself
4 inappropriately with you. Is that
5 correct?

6 A. I don't believe so.

7 Q. Okay. I know that Mr. Roman was
8 involved in the Forum's audit at some
9 point, correct?

10 A. Yes, he was.

11 Q. Other than that audit, did
12 Mr. Roman after November 5, 2018 ever
13 again have involvement in the Forum's
14 accounting that you're aware of?

15 A. I don't know. I don't know.
16 While I was there I don't think so.

17 Q. If he had, you would have
18 reported it to Dr. Pipes, correct?

19 A. It was hard to report stuff to
20 him because there were a lot of things
21 that he said he wasn't going to have
22 access to or be doing. It was said
23 that he wasn't going to be part of
24 hiring people, but then when they were

1 trying to hire somebody he was like the
2 one calling the shots and wanting,
3 telling Thelma to send him all the
4 e-mails, resumes so he could read them.

5 So his involvement was more
6 than it should have been, but it was
7 very small, it was little. He'd come
8 back an inch at a time. So the biggest
9 problem I had was when he was given
10 access to my work product.

11 Q. Which is the audit, correct?

12 A. Correct.

13 Q. Did you answer?

14 MS. SHIKUNOV: She said
15 correct.

16 MS. DIBIANCA: Okay. I
17 didn't hear her.

18 BY MS. DIBIANCA:

19 Q. So just for the record, could
20 you say your answer, Ms. O'Brien, again
21 for me, please?

22 A. I said that he --

23 MS. SHIKUNOV: You just said
24 correct.

1 A. Correct. Correct.

2 Q. So I'll just do it one more
3 time.

4 I believe your testimony was
5 that your biggest problem was that he
6 had access, "he" meaning Mr. Roman had
7 access to your work product. Is that
8 correct?

9 A. Well, I complained other times
10 where he was becoming involved where I
11 thought that he wasn't going to be.
12 When he told -- when Dr. Pipes sent me
13 an e-mail telling me to basically shut
14 up and give Gregg the reports and that
15 Gregg would be taking care of the
16 audit, that was when I went to Erica
17 and --

18 MS. SHIKUNOV: Don't talk
19 about what you talked to me about.

20 A. That is when I decided I needed
21 help from Erica.

22 Q. Okay. After November 5, 2018
23 did you ever hear Mr. Roman make any
24 sexual comment?

1 A. I wasn't in his presence.

2 Q. I need you to give a yes or no
3 to the question.

4 So the question is: After
5 November 5th, 2018 did you ever observe
6 Mr. Roman make a sexual comment?

7 A. No.

8 Q. After November 5, 2018 did any
9 employee report to you in your capacity
10 as an HR manager that Mr. Roman had
11 made a sexual comment to that employee?

12 A. I don't recall.

13 Q. After November 5th, 2018 did
14 Mr. Roman ever make a sexual advance
15 towards you?

16 A. No.

17 Q. After November 5, 2018 that you
18 are aware of in your HR, in your
19 capacity as an HR manager, did
20 Mr. Roman make any advance, any sexual
21 advance toward any other employee, any
22 employee at MEF?

23 A. Not that I know of.

24 Q. After November 5th, 2018 did



1 Mr. Roman contact you at times that
2 were inappropriate in your opinion?

3 A. No.

4 Q. After November 5th, 2018 did
5 Mr. Roman speak to you in a manner that
6 you thought was inappropriate?

7 A. No.

8 Q. So is it correct to say that
9 after November 5th, 2018 any concerns,
10 any and all concerns you had about --
11 I'll start over.

12 After November 5th, 2018 is
13 it correct to say that any concerns you
14 had about Mr. Roman with regard to any
15 kind of sexual harassment did not
16 continue after November 5th, 2018? Is
17 that correct?

18 A. He never made a pass at me after
19 that. There was a rumor that he
20 apparently started about me.

21 Q. Okay. Let's talk about that.

22 A. I found out about it after
23 November 5th, 2018. I'm not sure when
24 he started it.

1 Q. Okay. So we can jump to that
2 topic next. That's fine.

3 In the interest of time, I'm
4 going to try to give you some yes or
5 no's here just because I'm worried of
6 not being able to get through my whole
7 outline.

8 So sometime after November
9 5th, 2018 is it correct to say that you
10 heard from a coworker about a rumor
11 that the coworker believed to have been
12 started about you?

13 A. I'm sorry? Can you say that
14 again.

15 Q. Sure. I'll say it in a better
16 way.

17 Did you hear at some point
18 that Mr. Roman had started a rumor
19 about you that was untrue?

20 A. Yes.

21 Q. And did you hear that after
22 November 5th, 2018?

23 A. I heard it after that, but I
24 don't know when he started it.

1 Q. Okay. And the rumor, am I
2 correct to say that the rumor was that
3 you had slept with a Mr. Brady?

4 A. My former employee. He said
5 that I slept with him to get my
6 position at my job.

7 Q. Your former employee or your
8 former employer?

9 A. My former employer.

10 Q. So the rumor was that you had
11 slept with your former employer in
12 order to get your job. Is that
13 correct?

14 A. Correct.

15 Q. And who told you about the
16 rumor?

17 A. Lisa told me that Gregg had told
18 her that and Tricia was there and
19 Tricia said that she had heard it from
20 Matt.

21 Q. Okay. When you say Tricia was
22 there, you mean Tricia was present when
23 Lisa told you that Lisa had heard Gregg
24 make that statement? Is that correct?

1 A. Yes.

2 Q. And are you aware that
3 Ms. Barbounis has testified that the
4 rumor, she heard Gregg say that rumor
5 before November 2018?

6 A. No, I didn't hear that.

7 Q. Are you aware that there's an
8 e-mail from Ms. Barbounis to Dr. Pipes
9 in which he states that she heard the
10 rumor from Mr. Roman prior to November
11 5th, 2018?

12 A. Yes. I'm not aware.

13 Did you ask me if I was
14 aware of it?

15 Q. I did.

16 A. Okay. No, I didn't know.

17 Q. Do you have any reason to
18 believe that Mr. Roman initiated or
19 repeated that rumor after November 5th,
20 2018?

21 A. I didn't know anything about it
22 until after and when I raised it I was
23 told that it wasn't going to be
24 addressed.



1 Q. And why not?

2 A. Because he had been good since
3 then.

4 Q. Because it had occurred prior to
5 the time that his job duties had been
6 changed, correct?

7 A. It was still something that he
8 did. Yes.

9 Q. Okay. So I don't know that I
10 got a straight answer to my question so
11 let me just ask it again in case I
12 didn't.

13 So do you have any reason to
14 believe that Mr. Roman stated, repeated
15 or initiated the rumor at any time
16 after November 5th, 2018?

17 A. I do not.

18 Q. Other than Mr. Roman's
19 involvement in the audit, which I
20 promise to you that we are going to
21 talk about, other than that was there
22 anything that Mr. Roman did to which
23 you took offense after November 5th,
24 2018?

1 A. I don't believe so.

2 Q. All right. Let's see.

3 Did you change any of your
4 Forum passwords to something along the
5 lines of fuck you Gregg?

6 A. Yes.

7 Q. When did you do that?

8 A. Right after everything happened.

9 Q. Right after what everything
10 happened?

11 A. After I had to report him, after
12 all of this.

13 Q. So sometime after October 31st,
14 2018?

15 A. Yes.

16 Q. And did you tell other people in
17 the workplace that you had done that?

18 A. I don't think so, but some of
19 them needed my passwords, like Thelma
20 did.

21 Q. Right. So Thelma knew that you
22 had changed your password to that,
23 correct?

24 A. Yes. She was using it.

1 Q. Was that the mature way to
2 handle that?

3 A. I was angry and it was a
4 password so that's --

5 Q. Was it the mature way to handle
6 it?

7 MS. SHIKUNOV: I'm going to
8 object to that as argumentative.

9 But you can answer.

10 A. Probably not.

11 Q. Okay.

12 A. I was very angry.

13 Q. If you had to do it again would
14 you do that?

15 A. (Pause)

16 Q. You're laughing. So is it
17 funny?

18 A. I was angry. I mean you're
19 telling me. I was angry. I was
20 emotional. I had just -- you know, my
21 job path just completely changed
22 because of his behavior, because of his
23 manipulation and his bullshit so I was
24 angry.

1 So was it mature? No.

2 Would I do it again? I mean
3 right now while I'm calm and I'm not as
4 angry, no, not as angry or it's just
5 time has passed, no, I wouldn't do it
6 again.

7 Q. You said your job path had
8 changed. How had your job path
9 changed?

10 A. He was telling me that he was
11 going to build -- I thought he was
12 sincere and wanted to build that
13 organization into a \$20 million a year
14 organization and we were going to, you
15 know, grow it and he wanted me to
16 retire from there and I was going to
17 have job security.

18 And then because of it was
19 all bullshit my job security had
20 changed and I felt scared about my job
21 every day going to work.

22 Q. After November 5th, 2018 you
23 felt scared?

24 A. It probably started earlier than

1 that when I started to figure out and
2 get an inkling of what was going on,
3 but yes, after that I still felt that
4 way.

5 Q. Even though you didn't have to
6 interact with him anymore?

7 A. Correct.

8 Q. If you didn't have to interact
9 with him anymore, why would you feel
10 scared that you were going to lose your
11 job?

12 A. Because it was apparent that
13 Daniel really didn't care about any
14 other employee. He valued Gregg more
15 than he valued everyone else. And
16 after, you know, those things were set
17 in place, like I said, there were
18 little inches where he was creeping
19 back and taking back some of his
20 authority, some of his duties. So I
21 felt like it was just a matter of time
22 before Gregg got himself back into a
23 position where he could kick me out the
24 door.

1 I also, you know, when it
2 first happened I was told to, you know,
3 everyone was told to work from home and
4 then we went back and we were back in
5 the office.

6 And then as people started
7 getting other jobs and leaving, I was
8 the last one there. And I was told to
9 work from home; administrative staff
10 wasn't needing to be in the office
11 anymore. So I could work from home
12 permanently because they were figuring
13 out what to do with the office or
14 whatever.

15 And then they hired a new
16 director of development that I had zero
17 part in the process and formerly I was
18 a part of that process.

19 And I went one day and he
20 was, you know, probably not knowing
21 everything that happened, a little bit
22 in the dark and he was showing up. He
23 seemed like a nice guy. He seemed like
24 he was trying to work hard and he was

1 asking me for help.

2 So I was trying to help him
3 with like, you know, different things
4 that he needed. And he basically told
5 me that he was working out of the
6 office every single day where I was
7 told to stay home.

8 Q. Who was that?

9 A. Who?

10 Q. Yes. What was the person's name?

11 A. I don't remember his name. He
12 was hired as the director of
13 development.

14 Q. And do you remember
15 approximately when he was hired as
16 director of development?

17 A. No.

18 Q. Was it at the end of your
19 employment?

20 A. It was closer towards the end of
21 my employment. I was the only one left
22 at that point.

23 Q. And who was the previous
24 director of development?



1 A. It was Matt Bennett. And then
2 after that Tricia became the acting, I
3 think the acting director of
4 development or something like that.

5 Q. You and Mr. Bennett started on
6 the same day?

7 A. A couple of days apart.

8 Q. So you didn't have any role
9 whatsoever in hiring Matt Bennett.
10 Isn't that correct?

11 A. Yeah.

12 Q. Yes. So you testified that you
13 had previously been involved in the
14 hiring and selection of director of
15 development but, in fact, that is not
16 true at all, correct?

17 A. Hiring and selection of staff
18 members.

19 Q. No. You said director of
20 development, so I'm specifically asking
21 about that.

22 A. The hiring process is what I
23 meant.

24 Q. Okay. Were there other people

1 who were hired that you thought you
2 should have participated in the
3 selection and hiring process but you
4 were not able to do so?

5 A. After? That was like the first
6 person I think that was hired really
7 that I know of.

8 Q. So what do you mean when you say
9 you were not permitted to hire, be
10 involved in the hiring process? No one
11 was hired.

12 A. He was and I wasn't a part of
13 the process.

14 Q. But you had never been part of
15 the process for director of development
16 selection, correct?

17 A. I didn't say selecting the
18 director of development. What I said
19 was I wasn't a part of the hiring
20 process. I usually, no matter who they
21 were, I was given the offer letter that
22 Marc would write and then I would have
23 to put them into Zenefits and get them
24 their benefits and all that stuff. I

1 was part of that process.

2 I wasn't a part of that
3 process.

4 Q. You did that, you put the new
5 director of development input, new hire
6 information?

7 A. Exactly. But what I'm saying is
8 that my normal level of involvement
9 wasn't where it was prior to this
10 incident.

11 Q. And the entirety of that
12 sentence is based on this individual
13 director of development position,
14 correct?

15 A. Yeah.

16 Q. All right. Let's turn to the
17 audit since we've sort of talked about
18 that a little bit but not in detail.

19 The audit was in I'll call
20 it June 2019. Does that sound right to
21 you?

22 A. It started earlier than that.
23 It's a longer process. They collect
24 information. They ask for information.

1 So the process started way
2 earlier than that, but yeah, that's
3 about when it was starting to get to
4 the end of it, I guess.

5 Q. In June of 2019 you told
6 Dr. Pipes that you did not want
7 Mr. Roman to be involved in the audit,
8 correct?

9 A. I didn't want him a part of my
10 work product is all I didn't want. And
11 there were financial statements and
12 that stuff that I didn't, I didn't
13 trust him.

14 Q. When you say your work product,
15 so lawyers have a very specific
16 definition of work product. It's sort
17 of a term of art for lawyers.

18 So tell me what you mean
19 when you say work product just so I
20 know that we're understanding, we're
21 operating with the same definition.

22 What do you mean when you
23 say you didn't want --

24 A. What I worked on. What I worked

1 on, the financials. I just didn't want
2 him to have any excuse to retaliate
3 against me. I was trying to limit my
4 exposure to him.

5 Q. So when you say you didn't want
6 him to have access to anything you
7 worked on --

8 A. Yes.

9 Q. -- does that mean that you did
10 not want him to be able to review
11 financial statements for the
12 organization?

13 A. I don't know why they would want
14 him to. He blew hundreds of thousands
15 of dollars. He --

16 Q. I'm going to try to get you to
17 answer that question, Ms. O'Brien.

18 A. I'm sorry? What?

19 Q. I'm going to get you to try to
20 answer that question because I've got a
21 limited number of hours so --

22 MS. SHIKUNOV: She can
23 answer to the best of her ability and I
24 think we can agree that none of your

1 witnesses were particularly responsive
2 and I let them finish their answer so I
3 just ask that Ms. O'Brien be given the
4 same courtesy.

5 MS. DIBIANCA: As long as you
6 don't cut me off at the end of the day
7 I'm happy to let her talk away.

8 MS. SHIKUNOV: I mean that's
9 not how this works. If you're asking
10 questions, she's going to answer them.
11 Because you're not getting the answer
12 you want doesn't mean that she's not
13 giving you a complete answer to your
14 question.

15 MS. DIBIANCA: Well, it's a
16 yes or no question. So I don't need a
17 narrative. I just need a yes or no.

18 MS. SHIKUNOV: I mean my
19 objection stands. It's the same thing.
20 You are not entitled to the answer you
21 want. You're entitled to the answer
22 you get.

23 MS. DIBIANCA: Okay.
24

1 BY MS. DIBIANCA:

2 Q. In early June of 2019 you
3 complained to Dr. Pipes that you did
4 not want Mr. Roman involved in the
5 Forum's annual financial audit. Is
6 that correct?

7 A. Yeah, I would say it is.

8 Q. And Dr. Pipes responded that he
9 did not have the requisite knowledge to
10 be able to assist you with the audit so
11 that Mr. Roman would have to be
12 involved in some capacity. Is that
13 correct?

14 A. Yes, that's what he said.

15 Q. Did he tell you to shut up?

16 A. Those weren't his words. That
17 was my paraphrasing of his words.

18 Q. That was your interpretation of
19 his response?

20 A. It was terse, yes. That was my,
21 that was how I interpreted it just
22 then, yes.

23 Q. All right. So Dr. Pipes said
24 no, Mr. Roman is going to have to be



1 involved; he's the only one that has
2 the knowledge.

3 What was the extent of
4 Mr. Roman's involvement with the audit?

5 A. He --

6 Q. Or I should say in the audit?
7 Sorry.

8 A. He took it over so I didn't have
9 any really other interactions with him
10 at all. And normally as the bookkeeper
11 I did the audit. In every other
12 organization as well I would handle the
13 audit and then at the end of it maybe
14 they do their report and their results.

15 Q. So what period of time was
16 Mr. Roman involved in the audit?

17 A. I don't think it was completed
18 when I was there, to my knowledge. I
19 never really had another involvement in
20 it after that, so I wouldn't know what
21 he did or didn't do.

22 Q. Did Mr. Roman do anything
23 inappropriate with regard to the audit?

24 A. I don't know.



1 Q. And you don't know, am I
2 understanding correctly you don't know
3 because he took it over? You said they
4 took it over.

5 A. Right.

6 Q. And who is "they"? He and the
7 auditors?

8 A. No. The auditors do the audit.
9 He became the point person, I guess. I
10 don't recall really having much
11 involvement in it after that.

12 Q. At some point, you would agree
13 with me that at some point in the
14 spring of 2019 Ms. Barbounis and others
15 requested that Mr. Roman return to some
16 of his duties that had been stripped
17 from him as a result of your complaint
18 on October 31st, correct?

19 A. They did, yes.

20 Q. Yes?

21 A. Yes.

22 Q. Sorry?

23 A. Yes.

24 MS. SHIKUNOV: She said yes.

1 Q. Okay. Did other employees other
2 than Ms. Barbounis agree with her
3 request?

4 A. Tricia I think wanted him to be
5 somewhat involved, but I think she was
6 a little more hesitant than Lisa was,
7 but I don't think anybody else other
8 than that wanted him back.

9 Q. Let's talk about your
10 socialization with coworkers.

11 Did you go out with
12 coworkers in a social context during
13 your employment with MEF?

14 A. Every once in a while. It was,
15 it was -- when I first started Gregg
16 and Tiffany would kind of initiate
17 everybody going out because it's nice
18 to go out with your coworkers. It's
19 good to blow off steam or whatever.

20 So yeah, it was throughout
21 my entire employment there occasionally
22 there would be times where some or all
23 or whatever went out.

24 Q. When you would go out in a

1 social setting was Mr. Roman present?

2 A. Occasionally.

3 Q. Do you know, could you estimate
4 how many times that happened?

5 A. No. We really -- I mean as
6 whole group we didn't really do it that
7 often. I don't know. I couldn't say
8 how many times he was there or not.

9 Q. Did you go out with Mr. Bennett
10 and Mr. Roman, did the three of you go
11 out together?

12 A. We would go to lunches often. I
13 don't recall really going out after-
14 hours. Like maybe once.

15 Q. Was that for drinks?

16 A. Probably.

17 Q. Is it correct to say that those
18 instances did not occur after November
19 5th, 2018?

20 A. Yeah.

21 Q. Did the three of you see a movie
22 together?

23 A. Matt?

24 Q. You, Matt and Gregg.

1 A. I don't recall seeing a movie
2 with them.

3 Q. Star Wars, would that help
4 refresh your recollection?

5 A. No. Gregg actually in the
6 middle of the workday invited me to go
7 see -- he said he didn't want to work.
8 He was stressed out. He had something.
9 He wanted to see Star Wars. He said
10 let's go see Star Wars.

11 I said no, I have work to do
12 and I'm not comfortable going to the
13 movies alone with you.

14 And he was like well, you
15 know, he wanted to go. And he was like
16 all right, let's get Tricia, Tricia can
17 go. And she really didn't want to go
18 either because she wanted to finish her
19 work. She was really overwhelmed and
20 he insisted. So we went and saw the
21 movie with him.

22 Q. Who?

23 A. With Gregg.

24 Q. You said "we."

1 A. Tricia and I, not Matt Bennett.

2 Q. Matt Bennett was not there?

3 A. No.

4 Q. And when was that? Was that
5 before November 5th?

6 A. Yes.

7 Q. Did you take a trip to the
8 Jersey Shore with some of your female
9 colleagues in July 2019?

10 A. Yes.

11 Q. Who was present?

12 A. That was Lisa, Tricia, Caitriona
13 and I.

14 Q. Did you have a girls night out
15 on Saturday, September 28th that you
16 recall?

17 A. Saturday --

18 MS. SHIKUNOV: Of what year?

19 MS. DIBIANCA: I'm sorry.

20 Thank you, Erica.

21 BY MS. DIBIANCA:

22 Q. That would have been of 2018.

23 A. Did we go out on a Saturday? I
24 don't know. I don't recall that. If I

1 went out with them it was normally
2 after work.

3 Q. Did you go out with them
4 normally on the weekends?

5 A. No. That's what I'm saying. If
6 I went out with them it was normally
7 after work. We did the beach trip was
8 more because Matt had had a comp room
9 and I think Tricia was getting, had
10 just gotten a job offer. And so we
11 were excited for her and we all felt
12 like we had been through a horrible
13 experience and we wanted to celebrate.

14 So we went to just more like
15 a going away party for Tricia.

16 Q. Was --

17 A. That's what it was for.

18 Q. I didn't mean to cut you off.
19 Were you finished?

20 A. Yes.

21 Q. You said Matt got a comp room.
22 Did you mean Matt Ebert?

23 A. Matt Ebert, yes.

24 Q. Just so the record is clear.



1 Did you hear any of your
2 coworkers make sexual comments in the
3 workplace?

4 A. Like what? Like what kind?

5 Q. Like did Lisa Barbounis talk
6 about her sex life?

7 A. Yes.

8 Q. And you said earlier that you
9 are aware that Ms. Barbounis had had
10 multiple extramarital affairs while
11 employed at MEF, correct?

12 A. Correct.

13 Q. And you were aware that one of
14 those was with Danny Tommo, correct?

15 A. Correct.

16 Q. And another one was with Tommy
17 Robertson, correct?

18 A. Oh, I didn't know that.

19 Q. And that one of them was with a
20 man named Twin?

21 A. I knew, yeah.

22 Q. And a Mr. Baird?

23 A. Yes.

24 Q. And those were all individuals



1 that had some connection to the Forum,
2 correct?

3 A. Yeah.

4 Q. And in your capacity as HR, did
5 you ever report to Dr. Pipes that
6 Ms. Barbounis was having sexual
7 relationships with individuals who were
8 connected to the Forum?

9 A. Dr. Pipes was marrying a
10 grantee. He was leaving his wife. He
11 left his wife who --

12 Q. It's a yes or no.

13 A. -- was a former intern of the
14 Forum for a grantee. So I didn't
15 really see the point in letting him
16 know that.

17 Q. So you took it upon yourself to
18 make the decision to not report it to
19 Dr. Pipes, correct?

20 A. I didn't think it was something
21 that was reportable.

22 Q. I'm going to repeat it again.

23 Did you report it to
24 Dr. Pipes?

1 MS. SHIKUNOV: She said she
2 didn't think it was something that was
3 reportable. Again, you're not entitled
4 to the answer you want. You're
5 entitled to the answer that you get.

6 Q. Did you ever report it to
7 Dr. Pipes?

8 A. No.

9 Q. Returning to my question about
10 Lisa Barbounis, do you recall that Lisa
11 Barbounis discussed her sex life in the
12 workplace?

13 A. Yeah.

14 Q. Did you ever report that to
15 Dr. Pipes?

16 A. No.

17 Q. And you were the HR professional
18 at that time, correct?

19 A. Actually, I would have to say I
20 would think I wasn't the HR
21 professional at that point because
22 prior to the day that everything was
23 reported I really -- Lisa Barbounis had
24 a very different lifestyle that she

1 lived. She was married. I didn't know
2 that her and -- I'm not exactly sure
3 when they started having marital
4 problems and that they decided to see
5 other people.

6 So she was very different
7 prior to that. She was married. She
8 was going to school. She was working
9 hard at the Forum and a mom. And then
10 afterwards was when all of this
11 started. So I actually felt like my HR
12 duties had been more or less given to
13 Marc at that point.

14 So after November 5th I
15 would say that I wasn't really feeling
16 like I was the HR professional.

17 Q. Okay. So Ms. Barbounis made
18 those comments long before November
19 5th, right?

20 A. I don't really, I don't really
21 recall her telling me sex stories. I
22 thought that she was married and
23 happily married up until -- and I'm not
24 sure what that exact date was.

1 But I know her behavior
2 after was so different that I suggested
3 that maybe she go see a psychiatrist
4 because her behavior seemed to me like
5 when they say a girl is sexually abused
6 she becomes promiscuous. It was like
7 this happened and now all of a sudden
8 she was off to the races.

9 So I don't really recall her
10 talking about that stuff prior.

11 Q. When you said this happened to
12 her, you mean she had this break with
13 her husband?

14 A. Yes.

15 Q. Okay.

16 A. No. No. The behavior seemed to
17 escalate after we filed the charge
18 against Gregg.

19 Q. Well, we already discussed that
20 she had had an extramarital affair with
21 Danny Tommo just days before your
22 meeting with her on the park bench,
23 right?

24 A. Okay. So I didn't maybe know

1 about that at that point. So I guess
2 maybe she wasn't talking to me at that
3 point about that type of thing.

4 Q. So is it your testimony that
5 Lisa Barbounis was promiscuous?

6 A. Sure.

7 Q. And is it your testimony that
8 she was promiscuous, based on what you
9 know now she was promiscuous throughout
10 her employment at MEF?

11 A. No. That's exactly the opposite
12 of what I said. I said based on my
13 knowledge now it seemed like she was
14 promiscuous after everything else, not
15 the entire time she worked there. Most
16 of the time she seemed like she was
17 happily married.

18 Q. But she had the relationship
19 with Mr. Tommo prior to November or
20 prior to October 30th, correct?

21 A. Right. I don't know how much
22 knowledge I had of that prior to that
23 point.

24 Q. But sitting here today?



1 A. I guess.

2 Q. Okay. In March of 2018 did you
3 suggest that you, Ms. Barbounis,
4 Ms. McNulty and Ms. Patel take a group
5 pole dancing class?

6 A. It was an exercise class, yeah.

7 Q. Did you take that class?

8 A. No.

9 Q. In your opinion is it
10 appropriate for the HR manager to
11 socialize with employees outside of
12 work?

13 A. I was never asked not to. I was
14 included in every after-work function.
15 It wasn't very often so I mean...

16 Q. In your opinion, is it
17 appropriate for the HR manager to
18 socialize with employees outside of
19 work?

20 A. I don't think it's
21 inappropriate.

22 Q. You do not think it is
23 inappropriate.

24 You do think it is



1 appropriate?

2 A. I think it's fine. It wouldn't
3 stop me from doing my job.

4 Q. Having personal friendships with
5 employees in the workplace does not
6 interfere with an HR professional's
7 ability to do his or her job? Is that
8 your testimony?

9 MS. SHIKUNOV: I'm going to
10 object to the form of the question
11 because it mischaracterizes what she
12 just said.

13 But, Marnie, you can answer
14 the question.

15 A. I don't -- can you ask the
16 question again?

17 Q. By socializing with employees
18 outside of workplace, does that
19 interfere with your ability as an HR
20 professional to do your job?

21 A. No.

22 Q. You arranged a sexual harassment
23 training at the Forum in April 2018,
24 correct?



1 A. At Gregg's request, yes.

2 Q. Great. And you conducted that
3 training, correct?

4 A. I did.

5 Q. And was that conducted in an
6 all-staff meeting?

7 A. I believe it was. And then
8 there were some people that didn't make
9 it so they maybe had to do it
10 afterwards.

11 Q. Did Mr. Roman attend the
12 training?

13 A. I would assume he did, yeah.

14 Q. Do you have a specific
15 recollection?

16 A. I don't recall. I think
17 everybody signed a paper so there's
18 probably a paper somewhere with his
19 signature if he did.

20 Q. If I said that he was present at
21 the beginning and made the introduction
22 and then left so that you could conduct
23 the training without him present, does
24 that help refresh your recollection?

1 A. It really doesn't. I mean if
2 that's -- it could be that's what
3 happened. I don't remember.

4 Q. Do you recall whether Mr. Roman
5 gave the employees one of the board
6 member's phone numbers so that they
7 could reach out to the board member
8 directly in the event that there was an
9 issue?

10 A. Wait. What?

11 Q. Do you recall whether Mr. Roman
12 gave the employees the phone number for
13 Steven Levy specifically?

14 A. No. No.

15 Q. You don't have that
16 recollection?

17 A. I don't recall that, no.

18 Q. And then in planning for your
19 sexual harassment training did you
20 suggest that Forum employees get an
21 Airbnb?

22 A. He had talked about doing, he
23 had talked about doing off-site,
24 off-site like I guess team building

1 things.

2 So do I recall suggesting
3 that? No. Airbnb seemed to be his
4 thing, so I don't recall suggesting
5 that. But, you know, if that's the
6 route that he was going and saying that
7 he wanted to do off-site trainings or
8 team building things, then -- I think
9 there was another thing that was being
10 discussed to do that would have been
11 something similar.

12 So maybe I was trying to go
13 along with that but...

14 Q. Let me move Exhibit 2. It's
15 going to be Bates stamped D, as in
16 defendant, D6695.

17 MS. DIBIANCA: And I'm going
18 to ask Jakob to make a note of that for
19 Kurt, please.

20 (O'Brien Deposition Exhibit
21 No. 2 was marked for identification.)

22 BY MS. DIBIANCA:

23 Q. So it should be on the screen,
24 Ms. O'Brien.



1 Do you see a document on the
2 screen?

3 A. Yeah.

4 Q. Let me just scroll down just so
5 we have a nice clean record. Since you
6 don't have the document in front of you
7 I just want you to see --

8 A. Oh, okay.

9 Q. Let me just scroll down so I can
10 show you at the bottom here is that
11 Bates stamp D6695.

12 A. So I guess we had staff members
13 that weren't just office members coming
14 in and we needed a spot for them. So I
15 guess he would do the Airbnb, so I
16 guess that's why I said that.

17 Q. So you suggested that you get an
18 Airbnb for them, correct?

19 A. I should say I was asking if we
20 should. So I don't know that I
21 initially suggested it, but I was
22 asking, it looks like I was confirming
23 whether or not we were doing that.

24 Q. You were confirming it. It



1 actually says "Should we get them an
2 Airbnb?"

3 It doesn't sound like you're
4 confirming.

5 A. Well, he said that he was
6 talking about it. Then I would have
7 said should we do that? So I don't
8 know that I suggested it. But it looks
9 like I was definitely trying to get the
10 plans in order.

11 Q. Okay. Do you remember telling a
12 coworker that Ms. Barbounis was a
13 cancer in the workplace?

14 A. Probably, yeah.

15 Q. Do you recall when you said
16 that?

17 A. No.

18 Q. Have you heard the phone call
19 that Ms. Barbounis recorded of you two?

20 A. Yes.

21 Q. And what is your opinion of that
22 phone call?

23 A. I think you need to -- I think
24 it was illegal. I think -- I didn't

1 know it was happening and I think it
2 was wrong that she went around playing
3 it for people. That's my opinion.

4 Q. And you're aware that she did
5 play it for others in the workplace,
6 right?

7 A. I was told that, yeah.

8 Q. What is your knowledge of
9 Ms. Barbounis's proposal to Mr. Terry
10 Giles?

11 And for the record that's
12 G-i-l-e-s.

13 A. I'm not sure I know who he is.

14 Q. Knowing everything that you know
15 today, is it your opinion that
16 Ms. Barbounis is an honest person?

17 A. I didn't ask -- I mean I think
18 if you ask her a question she tells the
19 truth.

20 Was she forthcoming by
21 telling me that she recorded me and
22 then played it for everyone? No. But
23 I never asked her either. So I guess I
24 always felt that she was truthful.



1 Q. Except for the extramarital
2 affairs?

3 A. I was under the impression that
4 her and Vasilli were on a break. She
5 had told him that she didn't want to be
6 married anymore.

7 Q. And the people that she was
8 sleeping with, they were married,
9 weren't they?

10 A. I don't know about that.

11 Q. If you knew that they were,
12 would that change your opinion of
13 Mrs. Barbounis's veracity or
14 truthfulness?

15 A. I mean her -- is it truthful? I
16 mean truth to me is if you ask somebody
17 a question and they tell you a lie. I
18 think, if I remember correctly I think
19 she had some kind of exchange with one
20 of their girlfriends or whatever and
21 she was pretty open with the girl about
22 what was going on.

23 Truthful? I think she is.

24 Do I think she makes a lot

1 of good choices? No.

2 Q. Do you trust her?

3 A. Not after she played and taped
4 me probably I wouldn't trust her right
5 now, no.

6 Q. And she filed a complaint at the
7 Forum about you, correct?

8 A. Yeah. She told me that Matt
9 Bennett instructed her that it had to
10 be done before she left that day that
11 we argued and demanded that she submit
12 that.

13 MS. SHIKUNOV: Can you give
14 me just two seconds and go off the
15 record? Somebody is yelling in the
16 hallway. I don't know who it is, but I
17 just need a minute.

18 THE VIDEOGRAPHER: Should we
19 go off the record?

20 MS. DIBIANCA: Just wait a
21 minute.

22 (A discussion was held off
23 the record.)
24

1 BY MS. DIBIANCA:

2 Q. After November 5th, 2018 -- I'm
3 sorry. Strike that. You already
4 answered this question. I apologize.

5 Do you recall a meeting in
6 the MEF office in January of 2018 where
7 it was an all-staff meeting with
8 Mr. Bennett, he brought his young
9 daughter and said that all
10 communications with Mr. Roman from that
11 point forward were to go through
12 Mr. Bennett?

13 Do you have a recollection
14 of that meeting?

15 A. Yes.

16 MS. SHIKUNOV: Before you
17 answer that.

18 Molly, you said 2018.

19 MS. DIBIANCA: I'm sorry. I
20 should have said 2019. I thought I
21 did. I apologize.

22 BY MS. DIBIANCA:

23 Q. So in January of 2019 there was
24 a meeting with Mr. Bennett. Can you

1 tell me about that meeting?

2 A. He was the -- I'm not sure if he
3 was like the acting director at that
4 point or not, but there was a point
5 where Daniel had given him, you know,
6 the opportunity to be the acting
7 director. And he called that meeting
8 and told everyone exactly -- I don't
9 remember anything else from that
10 meeting, but I do remember him saying
11 that he didn't want anyone talking to
12 Gregg. If there was anything to be
13 discussed with Gregg, it went through
14 him.

15 Q. Do you have an understanding of
16 why he gave that directive?

17 A. No. I don't recall.

18 Q. Did you comply with that
19 directive?

20 A. I think Daniel Pipes nullified
21 that directive very shortly after it
22 was given.

23 Q. Okay. At some point in time you
24 took your boyfriend Mr. Ebert into the

1 MEF office, correct?

2 A. I did.

3 Q. And when was that?

4 A. It was I went out after work one
5 night. I had expressed to him concerns
6 that Gregg had a camera in my office.
7 I felt that he might have a camera in
8 everyone's office because we went to --
9 well, first of all, there were cameras
10 everywhere.

11 And he had a camera in his
12 office pointed directly at his desk so
13 that if you went in to the room it
14 would set off some kind of motion
15 sensor and the video would start
16 recording and then he would call and be
17 like why are you in my office?

18 And then I just felt
19 completely paranoid and creeped out and
20 felt that there was a camera in my
21 office.

22 We all used to get changed
23 for work or for the gym. There was a
24 gym there. A lot of us would get

1 changed from our offices sometimes. So
2 I just felt very strongly that he had
3 set something up that was
4 inappropriate.

5 And Matt had had experience
6 with that stuff and I said do you think
7 you could, you know, do you think you
8 could check for it?

9 So we had went out, I think
10 we had like one drink and then we went
11 back and he went up into Gregg's office
12 and looked up over and he said he did
13 see something. I actually have
14 pictures of it. He did see something
15 that was hanging that looked like it
16 didn't belong there, but he couldn't
17 see anything.

18 And then he looked up above
19 my office to see if he could see
20 anything that looked like a camera and
21 he said no, that he couldn't see
22 anything.

23 Q. When was that?

24 A. I don't recall.

1 Q. Was it before November 5th, 2018
2 or after?

3 A. Well, it had to be after because
4 I didn't start dating him until May.

5 Q. And you knew that Mr. Roman did
6 have a camera in his office, correct?

7 A. I did.

8 Q. But you still had Mr. Ebert look
9 in Mr. Roman's office. Why is that?

10 A. He looked above his desk up in
11 the ceiling to see if there was any
12 wires running.

13 Q. Did you tell anyone at the Forum
14 that you had brought in your boyfriend
15 to look around?

16 A. No. But I did follow the
17 protocols and I did have him sign an
18 NDA.

19 Q. Why didn't you tell anyone that
20 you were concerned that there could
21 be --

22 A. I was --

23 Q. -- surveillance?

24 MS. SHIKUNOV: Let her

1 finish her question.

2 A. I'm sorry. Say that again.

3 Q. That's okay.

4 Why didn't you tell anyone
5 at the Forum that you were concerned
6 about potentially being, there being
7 potentially surveillance in the office?

8 A. I don't know that I didn't. And
9 I think, I'm pretty sure that I had
10 mentioned to Daniel that at one point
11 after the Israel trip and Gregg had his
12 top secret mission stuff he bought
13 Alexas. I know that I told Daniel
14 this. He bought Alexas, one for my
15 office and one for Lisa's office. That
16 was so that he could communicate with
17 us secretly like off the grid about his
18 secret stuff.

19 And I had heard prior to
20 that that those could be hacked and
21 that you could listen in to people and
22 like turn cameras on and all that kind
23 of stuff. And when he gave it to me I
24 said I'm not using that.

1 And he said yeah, you are
2 and he said -- I said no, I think you
3 hacked it and I think you're going to
4 eavesdrop in my office and I'm not
5 using it. And we were laughing about
6 it, but I was pretty blunt about the
7 fact that I thought the whole intention
8 of him putting that into my office was
9 so that he could listen to me.

10 And one time Lisa told --
11 Lisa was fine with it. She didn't
12 care. She was using it right away.
13 And she did tell me that one time she
14 was talking and it wasn't on and she
15 said his name and something happened,
16 it flickered the lights or something
17 like that. And I was like I told you,
18 he hacked it.

19 So I always had a paranoia
20 that -- and he fostered that -- that he
21 was hacking into your phone, your
22 computer. He knew everything. He
23 could watch everything.

24 And I believe that I may

1 have said that to them. I definitely
2 talked about the Alexa.

3 Q. You talked about it to who?

4 A. Daniel.

5 Q. And what did you tell him?

6 A. Exactly what I just told you.

7 Q. Did you tell Dr. Pipes that you
8 did not want to use the Alexa?

9 A. He never knew about the Alexa
10 until after the fact. We probably
11 discussed the Alexa when Gregg was
12 cleaning up his office and wanted his
13 stuff from his office because I had put
14 my Alexa in there.

15 So Daniel didn't pay much
16 attention to anything that was going on
17 in the office so he wouldn't have
18 known.

19 Q. Did you use the Alexa?

20 A. He told me I had to. I think I
21 had it on my desk for like a day and I
22 didn't actually like plug it in. I
23 just wanted it to be off.

24 And then I might have, I



1 might have dabbled with it and I think
2 I kind of decided like I would just
3 keep it off and unplugged unless I
4 wanted to like listen to something or
5 whatever.

6 But it didn't even last
7 long. I took it out. I wasn't
8 comfortable with it.

9 Q. It did not have a camera,
10 correct?

11 A. I don't know what it had.

12 Q. Are you aware that it did have a
13 camera?

14 A. No, I'm not aware that it did.

15 Q. It didn't have a display,
16 correct?

17 A. Right. No, it didn't.

18 Q. So you let your -- well, let's
19 just back up.

20 Mr. Ebert is a convicted
21 criminal, correct?

22 A. I don't believe so.

23 Q. You're not aware that your
24 boyfriend has a criminal history?

1 A. I know that he lost his job, but
2 I don't think he was convicted. I
3 think it was expunged from his record.

4 Q. Okay. So he was convicted and
5 then it was later expunged. Is that
6 correct?

7 A. I don't know how that works. I
8 know that he lost his job for gambling.
9 And I also know that he was good at his
10 job because we ran into a bunch of his
11 old coworkers and they were absolutely
12 thrilled to see him and couldn't say
13 enough about what a good cop he was.

14 Q. Are you aware that he was
15 terminated from his position with the
16 police department as a result of being
17 charged and convicted with illegal
18 bookmaking?

19 A. Yes.

20 Q. So you let Mr. Ebert into the
21 MEF office and specifically into
22 Mr. Roman's office to look around
23 without prior permission from anyone at
24 the Forum, correct?

1 A. Yes. His office was empty. None
2 of his stuff was in there though.

3 Q. When was this?

4 A. I don't know. The NDA is
5 probably dated.

6 Q. Where is the NDA?

7 A. Probably in their records.

8 Q. Whose records?

9 MS. SHIKUNOV: Molly, that
10 NDA is among the approximately 500 that
11 were produced

12 MS. DIBIANCA: No, I don't
13 believe it was.

14 BY MS. DIBIANCA:

15 Q. What NDA did you have him sign?

16 A. The NDA that anybody who visited
17 the office signed.

18 Q. And was that with the security
19 desk?

20 A. What? No. It was we took -- we
21 managed that. We just had people sign
22 when they visited.

23 Q. Mr. Ebert testified that he
24 signed something at the security desk.

1 So is his recollection correct?

2 A. I don't know. I don't think so.
3 I think he signed it at the desk in the
4 office. I don't think he had to sign
5 in to get there. He might have had to
6 sign in to get past security.

7 Q. Had you already retained counsel
8 by the time, at the time that you gave
9 Mr. Ebert access to the MEF office?

10 A. Yes.

11 Q. Had you filed your charge at
12 that time?

13 A. I believe so. It was filed
14 before I met him, I believe.

15 Q. It was filed July 24th.

16 A. I think I had gone to Erica's
17 office to request that it was filed. I
18 know that when --

19 MS. SHIKUNOV: Don't talk
20 about conversations at my office. If
21 you don't remember if your charge was
22 filed at that point just say you don't
23 remember.

24 A. I don't remember.



1 Q. No. I don't think you're
2 answering the question.

3 You had a charge, you had
4 signed the document that is the charge
5 of discrimination marked as Exhibit 1
6 on July 24, 2019, correct?

7 A. Yeah.

8 Q. And did you allow Mr. Ebert
9 access to the MEF office before or
10 after July 24th, 2019?

11 A. I don't know. I'm not sure what
12 the date was. Again, the date would be
13 on the NDA.

14 Q. And was Mr. Roman's office empty
15 at that time?

16 A. I think it was, but I'm not
17 sure.

18 But I also want to clarify
19 that I didn't allow him entry. I
20 escorted him into the office. He
21 jumped up on the desk, he looked around
22 and he did that in a couple of offices
23 and he checked mine and then we left.

24 I didn't like -- he wasn't



1 like running around in there.

2 Q. But which part of the statement
3 that you allowed him into the office,
4 which part of that do you disagree
5 with?

6 A. The word "allowed," like you
7 said I allowed him access, like I gave
8 him full rein to do whatever he wished
9 in there. I escorted him in, I walked
10 him to the specific spots that I wanted
11 him to look at and then we left.

12 Q. He did that with your
13 permission, correct?

14 A. Yes.

15 Q. Okay. And at no time did you
16 ever tell Dr. Pipes that you had
17 invited Mr. Ebert into the office,
18 correct?

19 A. I don't think so.

20 Q. Did you ever tell Mr. Marc Fink
21 that you had brought Mr. Ebert into the
22 office?

23 A. I don't think so.

24 Q. Did you tell any of your



1 coworkers that you had done that?

2 A. I think I may have.

3 Q. Like who?

4 A. Probably the people that also
5 were very paranoid, Lisa, Tricia,
6 Delaney and Caitriona. And I don't
7 even know if I would have told Delaney
8 and Caitriona but...

9 Q. We talked about the AIPAC
10 conference earlier. The AIPAC
11 conference was in March of 2018.

12 Did you report to Dr. Pipes
13 after that conference that you thought
14 there was something that had happened
15 that made you uncomfortable or was
16 inappropriate in any way?

17 A. No.

18 Q. And why not?

19 A. I don't know. I probably should
20 have. I don't know that he would have
21 cared but...

22 Q. Well, you certainly don't know
23 if you didn't tell him, right?

24 MS. SHIKUNOV: Is there a



1 question?

2 MS. DIBIANCA: Yes. She
3 heard the question.

4 A. No. Correct.

5 Q. Let's talk about your
6 boyfriend's call to Mr. Roman.

7 You are aware now that
8 Mr. Ebert made an anonymous phone call
9 to Mr. Roman, correct?

10 A. Correct.

11 Q. Are you aware how many times
12 Mr. Ebert called Mr. Roman?

13 A. No.

14 Q. Have you seen the phone records?

15 A. I think I did. I probably knew
16 at some point how many times but I
17 don't recall.

18 Q. If I told you that there were
19 eleven phone calls, would that sound
20 correct to you?

21 A. I think, yeah.

22 Q. And the phone call that was
23 recorded from Mr. Ebert to Mr. Roman,
24 that was in late September 2019. Would

1 you agree with that?

2 A. I'm sorry. Say it again.

3 Q. Sure.

4 The phone call from
5 Mr. Ebert to Mr. Roman was in late
6 September 2019, correct?

7 A. If that's what you're saying.
8 I'm not sure of the exact date.

9 Q. Okay. I'll make that
10 representation to you that it was -- I
11 apologize. I don't know if it was the
12 25th or the 29th, but it was around
13 that time in September of 2019 just so
14 we have a decent chronology.

15 A. Okay.

16 Q. So before September 25th we'll
17 call it, September 25th, 2019, prior to
18 that what had you told Mr. Ebert about
19 your work, about MEF?

20 A. Not much. I did -- he knew I
21 guess that there was a lawsuit. I
22 never discussed it with him
23 specifically, the details of it. I
24 might have glossed over some stuff, but

1 we weren't dating for that long at that
2 point. I guess at that point I just
3 didn't confide that stuff in him.

4 Q. Okay. Have you heard the tape
5 of that phone call?

6 A. I heard a piece of it.

7 Q. I am going to play the tape here
8 in a moment, but actually if you could
9 just hold for me for one minute I'm
10 going to adjust the blinds in my office
11 because I'm currently being blinded.
12 Hold on.

13 Okay. Thanks so much.

14 Had you told Mr. Ebert prior
15 to his phone call to Mr. Roman in
16 September 2019 that Mr. Roman had been
17 excluded from the office at the
18 direction of Dr. Pipes?

19 A. I don't know that I told him
20 directly, but I have friends that I
21 talk to and, you know, work calls and
22 stuff so I don't know what he may have
23 overheard.

24 Q. What are the names of the



1 friends that you talked to about it?

2 A. I'll be honest, I was really
3 nervous for the longest time to say
4 very much to anybody because I was so
5 afraid of the NDA and getting in
6 trouble for talking about MEF business.
7 So I really was very quiet about what I
8 said about it because I was afraid of
9 that on top of everything else that I
10 was afraid of.

11 But I do have certain
12 friends, Tracy McKinley, Monica Vona
13 that I talked to about it, Bill
14 Schlosky, my girlfriend Peggy Reese
15 probably would be who I really
16 consulted and cried to.

17 Q. You supported the decision to
18 terminate Tiffany Lee, correct?

19 A. I guess I did.

20 Q. What is Ms. Reese's phone
21 number, please?

22 A. Phone number?

23 Q. Phone number.

24 MS. SHIKUNOV: Molly, I



1 don't have a problem giving that to
2 you, but can we do that off the record?

3 A. Did you hear Erica?

4 Q. I did.

5 A. She asked if we could give that
6 to you off the record.

7 MS. DIBIANCA: Erica, can you
8 e-mail it to me?

9 MS. SHIKUNOV: Yes.

10 MS. DIBIANCA: Yes, that
11 would be fine.

12 THE VIDEOGRAPHER: Do you
13 want me to go off the record?

14 MS. DIBIANCA: Nope. That's
15 okay. We're going to carry on. Thank
16 you for asking.

17 BY MS. DIBIANCA:

18 Q. Did you tell Mr. Ebert -- so
19 your testimony is that you didn't tell
20 Mr. Ebert about the happenings in the
21 workplace prior to September 25, 2019?

22 A. I don't know how much I told him
23 to be honest or if I told him anything.
24 Like I just kept that -- I didn't, like

1 I said, I didn't talk about it that
2 much. I was afraid to talk about it.
3 I didn't know who it was okay to talk
4 about it with.

5 I don't know what I may have
6 said or not said. I'm sure there were
7 some inklings of there being like a
8 lawsuit, but I didn't really go into it
9 with him.

10 Q. At some point Mr. Roman was
11 considering promoting Ms. Barbounis,
12 correct?

13 A. What do you mean "promoting"? I
14 think he was going to move her or at
15 least give her some content work.

16 Is that what you mean?

17 Q. Okay. And did you support that
18 idea?

19 A. I believe I did.

20 Q. What about was she going to be
21 made deputy chief of staff at some
22 point?

23 A. Wait. Gregg was promoting her
24 to that?

1 Q. Did Gregg discuss that with you?

2 A. I think that was a title that
3 she got or something like that. I
4 remember thinking that it was a weird
5 title. I remember thinking that she
6 should be in the context of that's what
7 she wanted to do at the beginning
8 anyway.

9 I don't remember about the
10 title or what the job was. I think she
11 wanted a title that was in line with
12 like the government jobs that she had
13 before.

14 Q. I'm going to represent to you
15 this was around the time that Daniel
16 was considering promoting Mr. Roman to
17 CEO.

18 Does that help you refresh
19 your recollection?

20 A. Not really. There was a lot of
21 title talk all the time. Everybody was
22 talking about their titles. He was
23 telling me that I was going to be the
24 CFO.

1 So I mean if that was her
2 title, then I guess yeah. Actually, I
3 think he was going to make me the COO
4 and then it changed and then Daniel was
5 going to be the CEO, Gregg was going to
6 be the CFO -- or COO and I was going to
7 be the CFO.

8 Q. Okay.

9 A. I don't remember what Lisa was
10 going to be.

11 Q. Okay. When Ms. Barbounis
12 requested that Mr. Roman be allowed to
13 return to some of his administrative
14 duties that had been stripped from him
15 in November of 2018, were you surprised
16 by that request or did she tell you
17 that that was her intent prior to
18 making it?

19 A. I don't think she told me that
20 prior. I was shocked. And I could see
21 that Daniel needed for the good of the
22 organization for Gregg to be involved
23 and at least keep his position, his
24 title. He was the face of the

1 organization almost as much as Daniel
2 was at that point.

3 So it definitely would have
4 hurt to not have his face on there, but
5 I don't think leopards change their
6 spots and I didn't want him in the
7 office. And yes, I was surprised that
8 she would want more involvement with
9 him.

10 Q. On July 24th, 2019 at around
11 1:00 p.m. you deleted more than a
12 thousand documents from Dropbox. Why
13 is that?

14 A. I deleted? Did we move them
15 into Google Drive? Because there was a
16 point where we were changing platforms
17 and we were moving out of Dropbox and
18 then everything was getting mirrored
19 into Google Drive, I think, and we were
20 supposed to be using that.

21 And then I don't know what I
22 would have deleted. If I did, I might
23 have done it unintentionally.

24 Q. So that was the same day you

1 filed your charge of discrimination.

2 Does that help you refresh
3 your recollection?

4 A. It really doesn't. It's not --
5 it doesn't seem like something that I
6 would do.

7 Q. And why doesn't it?

8 A. Because I don't know why I would
9 get rid of a thousand -- what were
10 they?

11 Q. Why wouldn't you have deleted a
12 thousand documents? What makes you say
13 that, it doesn't sound like something
14 that you would do?

15 A. Because I wouldn't destroy that.
16 I don't know what I would have been
17 getting rid of.

18 Q. And at that point you already
19 had a litigation hold letter, correct,
20 instructing you to preserve documents
21 and evidence, correct?

22 A. Yes.

23 Q. Okay. So you would agree with
24 me if, in fact, you did delete more

1 than a thousand documents from Dropbox
2 on July 24th, 2019 at 12:53 p.m. that
3 would have been in violation of that
4 litigation hold letter, correct?

5 A. Yeah. It's another reason I
6 wouldn't have done it. But it should
7 also be there because everything was
8 mirrored into Google Drive so then it
9 should be in the Google Drive if it's
10 not in the Dropbox.

11 Q. You also blind copied your
12 personal gmail account on multiple MEF
13 e-mails, correct?

14 A. Yes, I did.

15 Q. Why did you do that?

16 A. It was when I was feeling
17 persecuted and felt like I was being
18 harassed and I felt like Daniel was
19 going back on his word, so I was
20 sending myself proof of that.

21 Q. So let's break that down a
22 little.

23 When did you start blind
24 copying your personal e-mail?

1 A. I don't know.

2 Q. Did you do that -- once you
3 started doing it, did you keep doing it
4 throughout the rest of your employment?

5 A. I don't, I don't know. I mean
6 if you want to show me what I blind
7 copied, I'll tell you what my thought
8 process was. I don't know.

9 I know that I was scared all
10 the time and that I was nervous and
11 that I felt like I needed to protect
12 myself.

13 Q. And at that point there was no
14 harassment, correct?

15 MS. SHIKUNOV: At what point
16 are we talking about?

17 MS. DIBIANCA: Whenever she
18 started blind copying herself. She
19 testified that she felt she was being
20 harassed, but I'm confused why that is.

21 A. Well, prior to the complaint
22 being filed to Daniel and Gregg being
23 pushed out of the office, I was just
24 given like -- it was just if they asked

1 me for something I would do it. Now
2 all of a sudden every time I was asked
3 for something it was by close of
4 business, by close of business and I
5 had to -- it basically felt like they
6 were trying to document anything that I
7 was doing that they thought was wrong,
8 anything that they could get on me. I
9 felt like I was being documented.

10 Q. But you weren't even interacting
11 at that point with Mr. Roman, correct?

12 MS. SHIKUNOV: Again, I'm
13 going to ask you at what point?
14 Because you're giving her random times
15 and space. You're not limiting your
16 questions at all. You're just saying
17 at that point, at that point.

18 I don't even know when we're
19 talking about.

20 Q. Ms. O'Brien, when did you start
21 blind copying yourself, your personal
22 e-mail account?

23 A. I don't recall.

24 Q. So if you don't recall when you

1 started to do it, do you recall why you
2 started to do it?

3 A. Because I felt like I needed to
4 document stuff, Daniel going against
5 what he had originally said he was
6 going to do and different things that I
7 felt were representative of harassment
8 and stuff that I felt protected me.

9 That's what I was doing.

10 Q. What did Daniel do to go against
11 what he was going to do? What do you
12 mean by that?

13 A. When he told me that I had to
14 send Gregg the work. He was paying
15 Marc Fink \$2,000 a month to pick up
16 extra responsibilities in regard to the
17 office. I was supposed to be reporting
18 to Marc, so all of a sudden Gregg was
19 the one that was handling the audit. I
20 was told that he was not going to be
21 taking part in the finances and he was.

22 Q. He was only insofar as the
23 audit, correct?

24 I'm sorry. I didn't mean to



1 cut you off. Go ahead.

2 A. It's fine. What?

3 Q. Mr. Roman was involved in the
4 finances only as far as the audit,
5 correct?

6 A. I think.

7 Q. And once he got involved in the
8 audit you were no longer involved in
9 the audit, correct?

10 A. Correct. I felt Marc Fink
11 should have been doing that because he
12 was getting paid extra money to be the
13 point person at the office.

14 Q. Right. But Mr. Fink is in-house
15 counsel. So you're saying that you
16 thought Mr. Fink's job should have been
17 to run the organization's audit?

18 A. When everything happened and
19 Gregg was removed from his
20 responsibilities, I was not to be under
21 Gregg, my work was not to be under
22 Gregg. Marc was the one that was
23 supposed to be handling -- he was my
24 report to, him and Daniel and, as such,



1 you know, Daniel had asked me to be, he
2 actually asked me to be a point person
3 at the office.

4 And this was after he asked
5 Tricia to be the point person for the
6 development and he offered Tricia an
7 extra thousand dollars to pick up those
8 extra responsibilities. He didn't
9 offer me any money. And I said well,
10 you're giving Tricia extra money. Why
11 wouldn't I get extra money?

12 And then I said okay, well,
13 then, I guess I'm not doing it.

14 After that he said he would
15 think about it. And then the next time
16 I heard of it he had put out to the
17 office staff and said we're going to
18 have a vote to see who's the point
19 person for the office.

20 So the vote happened. And I
21 said okay, I'm going to put myself up
22 because I've already told him that I
23 want to get paid for it. So if they
24 vote for me, then he would have to pay

1 me for it because he knows I'm not
2 doing it otherwise.

3 So they had the vote. They
4 picked Lisa for it, which was
5 completely weird because she didn't
6 want any administrative
7 responsibilities so I didn't even
8 understand why she put herself up for
9 it. And I would have thought that if
10 they were going to vote for somebody to
11 be the point person on the
12 administrative stuff they would have
13 picked me since most of it fell under
14 my umbrella anyway.

15 I flipped out. I thought it
16 was bullshit. I said it was bullshit
17 to Daniel. And he said to me that he
18 suspected Lisa must have been
19 campaigning behind the scenes. And
20 then he didn't give her the job. He
21 gave Marc Fink the job and he paid him
22 \$2,000 extra a month to do it.

23 So I feel like if somebody
24 was going to pick up the audit it

1 should have been him.

2 Q. Who's "him"?

3 A. Marc Fink.

4 Q. Okay. By blind copying your
5 personal e-mail -- what is your
6 personal e-mail address, by the way?

7 A. Marniem03@gmail.com.

8 Q. By blind copying that e-mail
9 address you were in violation of the
10 Forum's policies, correct?

11 A. I didn't know that.

12 Q. You revised the handbook,
13 correct?

14 A. I was requested to do that.

15 Q. Ma'am, you signed an NDA or
16 multiple NDA's, correct?

17 A. Mm-hmm.

18 Q. Yes?

19 A. Yes. Sorry.

20 Q. That's quite all right.

21 And do you understand that
22 part of a non-disclosure agreement, the
23 purpose of a non-disclosure agreement
24 is so that Forum information does not

1 go outside the Forum?

2 A. Okay. Well, then I guess I was
3 in violation of it.

4 Q. Have you produced the e-mails
5 that you blind copied to your personal
6 gmail account?

7 Have you produced those to
8 counsel in this case?

9 A. Yes.

10 Q. And how did you go about
11 collecting those?

12 A. I don't know what you mean. You
13 just said that I e-mailed them to
14 myself.

15 Q. No. That's okay. I meant with
16 regard to this litigation.

17 Once the litigation started
18 at some point did you go into your
19 gmail account and collect the e-mails
20 that you had sent to it, blind copied
21 to it and turn them over to counsel?

22 A. Yes.

23 Q. And approximately how many were
24 there?

1 A. I don't recall.

2 Q. Do you recall if it was more
3 than five?

4 A. Yeah.

5 Q. Do you recall if it was more
6 than fifty?

7 A. I don't think so.

8 Q. Okay. Was the rumor true about
9 you having slept with your previous
10 employer?

11 A. No.

12 Q. Okay. Did you communicate with
13 Ms. Barbounis via WhatsApp?

14 A. I don't think so. I never
15 really used WhatsApp.

16 NS, DIBIANCA: Let's take,
17 Erica, is it okay if we take five
18 minutes?

19 MS. SHIKUNOV: Yes.

20 MS. DIBIANCA: So we'll go
21 off.

22 THE VIDEOGRAPHER: Going off
23 the record the record at 2:50.

24 (A brief recess was taken.)



1 THE VIDEOGRAPHER: We are on
2 the record at 3:01.

3 BY MS. DIBIANCA:

4 Q. Ms. O'Brien, have you sought any
5 kind of therapy for what you claim to
6 be the harassment?

7 A. No.

8 Q. Are you medicated as a result of
9 what you claim to have been harassment?

10 A. I didn't -- no. No.

11 Q. Has this lawsuit been stressful
12 for you?

13 A. Yes.

14 Q. Very?

15 A. Yes.

16 Q. Has the pandemic been stressful
17 for you?

18 A. Sure. Yeah. It's been
19 stressful for everyone, yeah.

20 Q. And losing your employment with
21 1 Construction, that was stressful for
22 you as well, correct?

23 A. Yes.

24 Q. Finding out that your domestic



1 partner/boyfriend Mr. Ebert
2 intentionally sabotaged your job
3 opportunity with the Kimmel Center,
4 that was stressful for you as well,
5 correct?

6 A. Stressful and heartbreaking.

7 Q. And the fact that Mr. Ebert
8 called Mr. Roman behind your back, that
9 also was stressful for you?

10 A. Correct.

11 Q. How do you deal with these
12 stressors?

13 A. What do you mean? Are you
14 asking about my marijuana use? Because
15 that's how I deal with it.

16 Q. Okay. You are aware that you
17 have made an initial demand for \$3
18 million in emotional distress, pain and
19 suffering and physical injury, correct?

20 MS. SHIKUNOV: I am going to
21 object to that insofar as it asks for
22 communications with counsel, that the
23 demand has been withdrawn and that that
24 was not the initial demand that was

1 conveyed to Mr. Walton last winter.

2 That was a demand that was
3 put forth in disclosures.

4 MS. DIBIANCA: And that's
5 actually what I'm referring. So let me
6 pull that up so we're all on the same
7 page. Okay? Hold on.

8 So I believe this will be
9 Exhibit 3 and I'll let Jakob correct us
10 if I'm wrong.

11 MR. WILLIAMS: That's
12 correct.

13 MS. DIBIANCA: Great. Thank
14 you.

15 (O'Brien Deposition Exhibit
16 No. 3 was marked for identification.)

17 BY MS. DIBIANCA:

18 Q. Ms. O'Brien, can you see the
19 exhibit that's on my screen?

20 A. No.

21 Q. No?

22 A. Mm-mm.

23 Q. Sorry.

24 A. No.



1 Q. That's why I asked. How about
2 now?

3 A. Yes.

4 Q. Okay. So Erica and Marnie, you
5 must have dueling mikes because we have
6 an echoe again.

7 A. Oh, I think I -- there we go.

8 MS. SHIKUNOV: You just said
9 something we didn't hear.

10 MS. DIBIANCA: I think
11 because, Erica, you need to turn your
12 mike off.

13 A. I think we're good now.

14 Q. Yep.

15 So can you see the document,
16 Ms. O'Brien, that's on my screen that
17 says Rule 26(a)(1) Initial Disclosures
18 Of Plaintiff?

19 A. Yes.

20 Q. Have you seen this document
21 before?

22 A. Yes.

23 Q. I'm going to scroll down into
24 section III where it says Computation

1 of Damages. And it states "At this
2 juncture, Plaintiff is claiming the
3 following damages:"

4 And I will just tell you
5 that this is dated December 31, 2020.
6 So as of December 31, 2020, is it
7 correct to say that you are seeking
8 emotional distress and physical injury
9 in the amount of \$3 million?

10 MS. SHIKUNOV: I'm going to
11 instruct her not to answer that because
12 that goes to attorney-client privilege.
13 Molly, you can't ask her how she
14 computed her damages.

15 MS. DIBIANCA: Actually,
16 there is a wealth of case law on that,
17 Erica, that I absolutely can ask her
18 how she calculated the damages, but I'm
19 not asking her to calculate them.

20 All I'm asking her is to
21 confirm that as of December 31, 2020
22 she was demanding \$3 million for
23 emotion distress and physical injury.

24 Is that correct?



1 A. Yes.

2 Q. And what's the basis for you to
3 say that you have a physical injury?

4 What is the physical injury
5 that you sustained, Ms. O'Brien, as a
6 result of defendants?

7 A. I think I thought -- I don't
8 have a physical injury. Isn't that
9 just like both of them together? I
10 don't know.

11 Q. Do you have \$3 million in
12 emotional distress damages?

13 A. I probably have more than that.

14 Q. It says "Lost Wages. The annual
15 salary at the time of Plaintiff's date
16 of termination times 10 years, plus
17 bonuses, commissions, health insurance,
18 pension, profit sharing and all other
19 expected raises and benefits."

20 You did not have health
21 insurance with the Forum, correct?

22 A. I did originally. It was taken
23 from me.

24 Q. When was it taken from you?



1 A. When Daniel learned that I had
2 it.

3 Q. You said, you testified earlier
4 that you stayed married to your husband
5 so you could stay on his benefits,
6 correct?

7 A. Right. And when I went off I
8 went onto the Forum's plan.

9 Q. And how long did you have it
10 through the Forum?

11 A. I don't know. A couple of
12 years, I guess.

13 Q. So two of the three years that
14 you were employed there?

15 A. That sounds about right.

16 Q. And at the time of your
17 separation, at the time you resigned
18 you did not have health insurance,
19 correct?

20 A. The time I resigned from the
21 Forum?

22 Q. Yes.

23 A. Well, generally when someone
24 leaves you offer them a COBRA. In



1 PA -- the federal if you're over fifty
2 employees it's mandatory that you offer
3 I think 18-month COBRA.

4 PA has it's called a mini-
5 COBRA and you're supposed to offer it
6 for nine months.

7 I was never offered it and I
8 was never told I was removed from the
9 benefits. I found out -- I forget how
10 I found out, but I needed to scramble
11 to get insurance right in the middle of
12 the epidemic.

13 Q. So your testimony is confusing
14 me because I thought you said that
15 Daniel Pipes had you removed from the
16 benefit plan when he found out that you
17 were enrolled in it.

18 A. No. I had to pay for it. I was
19 being -- it was being paid for. Gregg
20 knew that I had wanted a higher salary
21 when I started there and he I think was
22 afraid I was going to jump, which is
23 actually what I was going to do, and I
24 needed, you know, I wanted to have my

1 benefits paid for.

2 Well, actually he said how
3 about if I pay for your benefits?

4 And I said are you allowed
5 to do that?

6 And he said I am doing that.

7 And then he decided that he
8 would get his benefits fully paid, I
9 would get my benefits fully paid and
10 Daniel, I think his ex-wife and his
11 daughter were on the plan so theirs was
12 fully paid as well.

13 Q. At the time you gave your notice
14 of resignation to the Forum, were you
15 enrolled in the Forum's healthcare
16 plan?

17 A. Yes. And I was paying for it by
18 myself at that point, well, whatever
19 the split was.

20 Q. At the time you separated from
21 the Forum did you have a pension plan
22 with the Forum?

23 A. No.

24 Q. At the time that you were



1 separated from the Forum did you have a
2 profit sharing plan with the Forum?

3 A. No.

4 Q. At any time during your
5 employment did you have a pension or
6 profit sharing plan with the Forum?

7 A. No.

8 Q. Okay. Did you ever earn
9 commissions from the Forum?

10 A. No.

11 Q. Did you ever have any
12 expectation to earn a commission at the
13 Forum?

14 A. No.

15 Q. So let's talk about the
16 emotional distress \$3 million number.

17 What is the basis for that
18 claim?

19 A. I was sexually harassed. I was
20 intimidated. I was bullied. I was
21 after the fact continued to be
22 harassed.

23 Q. At what point?

24 A. After I reported it.



1 Q. I'm sorry. You're saying now
2 that you were continued to be harassed?

3 A. No. After I reported the issue
4 to Daniel for my entire, for my entire
5 work life there I think I was bullied
6 to some degree and sexually, and
7 definitely sexually harassed.

8 And after the complaint was
9 filed I felt like I was being
10 retaliated against.

11 Q. So, Ms. O'Brien, you've
12 testified today several times that you
13 basically had no contact with Mr. Roman
14 after your November 5th complaint. So
15 how is it that you were sexually
16 harassed for the entirety of your
17 employment?

18 A. Well --

19 Q. Who sexually harassed you after
20 November 5th, 2018?

21 A. Well, I felt harassed.

22 MS. SHIKUNOV: I'm going to
23 object because you just asked her two
24 questions at the same time without

1 allowing her to answer.

2 So what is your question?

3 Q. Who harassed you after November
4 5th, 2018? Who sexually harassed you?

5 A. I felt harassed by the rumor
6 about Kevin Brady, me sleeping with
7 Kevin Brady. He may have started it
8 before, but it was now being talked
9 about around by everyone again.

10 I also know that someone was
11 shouting about my sex life and I suck
12 big black cock. Those are issues to
13 me.

14 Q. You're aware that Ms. Barbounis
15 said that, correct?

16 A. Yes.

17 Q. And you're aware that that was
18 long before November 5, 2018, correct?

19 A. I didn't hear about it until
20 after.

21 Q. Okay. So after November 5, 2018
22 did Mr. Roman sexually harass you?

23 A. No.

24 Q. Did Daniel Pipes at any time

1 sexually harass you?

2 A. No.

3 Q. Did Ms. Barbounis tell you that
4 when she went to Israel with Mr. Roman
5 Mr. Roman attempted to force himself on
6 her?

7 A. Not -- I guess she said that he
8 was trying to get her to have sex with
9 him and he was very aggressive and she
10 was scared.

11 Q. So my question is: At any time
12 did Ms. Barbounis tell you that
13 Mr. Roman had tried to force himself on
14 her?

15 A. She felt like he was forcing it.
16 He was screaming and yelling and she
17 had to go in and lock the door so she
18 felt like she was -- he was trying
19 force her.

20 Q. Okay. Ms. Barbounis testified
21 that they were sitting on a couch when
22 this incident occurred. She didn't
23 testify anything about him yelling or
24 screaming.



1 So are you sure about your
2 recollection of what she told you?

3 A. Yes. She told me that when she
4 declined and she wasn't going to have
5 sex with him he became irate and he was
6 yelling and screaming, yelling and
7 screaming and she was scared.

8 Q. Okay. And she did not tell you
9 that he tried to force himself on her?
10 I'm asking about those words
11 specifically.

12 Did she say --

13 A. So --

14 Q. I'm going to finish my question.

15 Did she say to you Gregg
16 tried to force himself on me?

17 A. I don't recall her exact words,
18 but I know that she felt forced, like
19 he was trying to force it. He was
20 yelling and pressuring her and she was
21 scared and had a knife under her
22 pillow.

23 Q. When you say force himself on
24 her, to me that sounds like an

1 attempted sexual assault. Would you
2 agree with me?

3 A. Yeah. Yeah. That's what I was
4 trying to say. So maybe he was being
5 forceful.

6 Q. So to the best of your
7 recollection, Ms. Barbounis did not
8 tell you that when she went to Israel
9 with Mr. Roman Mr. Roman attempted to
10 force himself on her?

11 MS. SHIKUNOV: Objection.
12 Asked and answered. She said, she's
13 answered this question now seven times.

14 MS. DIBIANCA: Yeah. But it
15 hasn't been -- I'm going to let her
16 answer it again. If you want to count
17 to eight, I'm happy to let you do that.

18 A. I don't remember her exact
19 words. So forced may not have been
20 used properly, but I don't, I don't
21 recall her exact words.

22 Q. Okay. Would you agree with me
23 that it's a pretty serious allegation
24 to say that a man forced himself or

1 attempted to force himself on a woman?

2 A. Yes.

3 Q. Yes. Okay. If your son was
4 accused of attempting to force himself
5 on a woman, would you be seriously
6 offended by that?

7 A. Yes.

8 Q. Yes. Okay.

9 At the meeting on November
10 1st, 2018 were employees pressured to
11 sign a non-disclosure agreement?

12 A. Well, the meeting was deemed
13 mandatory and it was mandatory that
14 everyone sign the NDA prior to the
15 meeting.

16 Q. So the answer is no then?

17 MS. SHIKUNOV: She didn't
18 answer no. You're putting words in her
19 mouth.

20 If you want to ask a
21 question, her answer stands.

22 Q. All employees at the meeting --
23 tell me if you agree or disagree with
24 this: At the November 1st, 2018

1 meeting all employees were pressured to
2 sign a non-disclosure agreement?

3 A. I agree with that.

4 Q. And how were they pressured to
5 sign a non-disclosure agreement at the
6 meeting?

7 A. Because he gave it, I think he
8 sent it prior to the meeting, but they
9 were pressured to sign it before
10 participating in the meeting and the
11 meeting was mandatory.

12 Q. So was the NDA discussed at the
13 meeting?

14 A. I don't recall. It was
15 discussed, there was discussion about
16 it before because it wasn't the same
17 NDA that we had signed and there were
18 additional items in there. And one of
19 them was that if somebody at the Forum
20 behaved inappropriately we weren't
21 allowed to tell anybody.

22 Q. At the meeting were employees
23 pressured to sign a non-disclosure
24 agreement?

1 A. Yes. They had to sign it to
2 participate in the meeting and the
3 meeting was mandatory, so they were
4 pressured.

5 Q. At the meeting --

6 MS. SHIKUNOV: I'm going to
7 object to asked and answered at this
8 point.

9 And I'm going to instruct
10 you not to answer this question any
11 further.

12 You've now asked it upwards
13 of ten times.

14 MS. DIBIANCA: Erica, you
15 understand why I'm asking though,
16 correct?

17 MS. SHIKUNOV: No, I don't.
18 Because she's answered you several
19 times. I feel like I'm listening to a
20 broken record.

21 MS. DIBIANCA: They're not
22 even close because what she's saying is
23 completely different than what I'm
24 asking. She is saying repeatedly -- if

1 you want to call it ten times, go for
2 it, let's call it ten times.

3 She has said that they were
4 pressured to sign it at the meeting but
5 that they could not attend it without
6 signing it. So they either signed it
7 before they showed up or they discussed
8 it afterwards. But if they couldn't
9 come to the meeting unless they had an
10 non-disclosure agreement, then how
11 could they have been pressured to sign
12 it at that meeting?

13 A. I said that they were pressured
14 into signing it. I said that he sent
15 it prior and they weren't allowed in
16 unless it was signed.

17 Q. Right. Exactly. And so I'll
18 say my question for, according to
19 Ms. Shikunov, my 11th time.

20 At the meeting, if you
21 prefer I can say during the meeting,
22 was anyone pressured to sign a non-
23 disclosure agreement?

24 A. No.

1 Q. Okay. After your report to
2 Dr. Pipes on November 1st, 2018, would
3 you agree with me that Mr. Roman was
4 disciplined?

5 A. I mean he kept his job. He got
6 to work from home.

7 Q. Please answer the question.

8 A. He had less responsibility. It
9 didn't seem like severe discipline.

10 Q. After your report to Dr. Pipes
11 on November 1st, 2018 was Mr. Roman
12 disciplined?

13 A. Yes.

14 Q. In March of 2019 was Mr. Roman
15 considered for a promotion?

16 A. I don't know what you mean a
17 promotion.

18 Q. To the best of your knowledge,
19 in March of 2019 was Mr. Roman
20 considered for a promotion?

21 A. Where was he going to get
22 promoted to? He was a director and the
23 only person ahead of him was Daniel.

24 Q. In March of 2019 was there

1 discussion about Mr. Roman becoming
2 your supervisor again?

3 What are you referring to
4 right now, Ms. O'Brien, what document?

5 A. The charges thing.

6 Q. Okay.

7 A. What are you --

8 Q. Let me ask it this way: At any
9 time after November 1st, 2018 --

10 A. Okay. All right. I don't know
11 that it was a promotion. Essentially I
12 guess, I guess he was, I would say the
13 wording is more that he was being
14 invited to have some of his
15 responsibilities back.

16 Q. At any time after November 1st,
17 2018 did Mr. Roman ever again become
18 your supervisor?

19 A. No.

20 Q. You would agree with me that you
21 have no knowledge or -- I'm sorry.
22 Strike that.

23 Do you contend that
24 Mr. Roman spread any other rumors other

1 than the one about you and Mr. Brady?

2 A. I think that's the only one that
3 I know of.

4 Q. Did Dr. Pipes ever tell you that
5 Mr. Roman was going to become your
6 supervisor again?

7 A. No.

8 Q. I believe in your complaint you
9 have some allegations regarding equal
10 pay so I would like to address those,
11 please.

12 Do you allege that you were
13 paid less than male counterparts?

14 A. Yes.

15 Q. And who is the male counterpart
16 or counterparts that you're referring
17 to when you say that you were paid less
18 than?

19 A. My job was a little bit
20 different than most people's, but I
21 mean if I was like the director of
22 finance, all the other directors -- and
23 I think that was my title at one
24 point -- all the other directors made

1 much more than I did, at least like
2 10,000.

3 Q. How much?

4 A. Like 10,000.

5 Q. You're not aware of any other
6 director of finance who was paid more
7 or less than you, correct?

8 A. Correct.

9 Q. And your predecessor in that
10 position, was that a female or a male?

11 A. It was a female.

12 Q. And did you make more than she
13 made or less than she made?

14 A. I believe I made more. But I
15 also picked up the HR and then I also
16 picked up the grant management and was
17 responsible for tracking the grants and
18 creating the grant contracts and stuff
19 like that.

20 So I had more responsibility
21 than she did so that the position that
22 I held was different than hers.

23 Q. You do not have any background
24 or expertise in Middle East policy,



1 correct?

2 A. Correct.

3 Q. You don't have any background or
4 expertise in foreign policy at all,
5 correct?

6 A. Correct.

7 Q. You do not speak a second
8 language, correct?

9 A. Correct.

10 Q. You do not have any background
11 or experience with database migration,
12 correct?

13 A. Correct.

14 Q. You filed a second charge of
15 discrimination against the Forum,
16 correct?

17 A. Correct.

18 Q. And in that charge you alleged
19 that Mr. Roman called the Kimmel
20 Center, correct?

21 A. Correct.

22 Q. And what document are you
23 referring to now?

24 MS. SHIKUNOV: I gave her

1 the second charge, Molly, and I'm
2 holding it now.

3 Q. We're not going to go into that
4 so you can put it down. You certainly
5 can hold it, but I'm not going to ask
6 you about the charge. I'm going to
7 open the complaint for you.

8 MS. DIBIANCA: Erica, do you
9 want to give her the retaliation
10 complaint?

11 MS. SHIKUNOV: I think I
12 only pulled the active complaint, but
13 I'm going to double-check what we have
14 here. Just a second.

15 Molly, I'm sorry. I only
16 pulled the active complaint. You're
17 going to have to put it on the screen
18 I'm sorry.

19 MS. DIBIANCA: That's okay..
20 BY MS. DIBIANCA:

21 Q. Can you see my screen, Ms.
22 O'Brien, paragraph 27?

23 A. Yes.

24 NS, DIBIANCA: Kurt, we're

1 not going to need to mark this. This
2 is a pleading with the court so I'm not
3 going to mark this as an exhibit.

4 BY MS. DIBIANCA:

5 Q. This is it says at the top the
6 case number. Paragraph 27 says "Upon
7 information and belief, Defendant has
8 deliberately interfered with
9 Plaintiff's ability to find employment
10 elsewhere."

11 You signed this complaint,
12 correct?

13 A. Yes.

14 Q. And where is it that you
15 believed that defendant had
16 deliberately interfered with your
17 ability to find employment?

18 A. I believed that he had made the
19 call to the Kimmel Center.

20 Q. Was there anywhere else that you
21 believed that defendant had interfered
22 with your ability to find employment
23 elsewhere?

24 A. No.



1 Q. So there were no other
2 prospective employees that you believed
3 Mr. Roman spoke with?

4 A. No.

5 Q. Were you subject to any sexual
6 comments or remarks after November 5,
7 2018?

8 A. No.

9 Q. Were you subject to any unwanted
10 sexual advances by Mr. Roman or anyone
11 else at the Forum after November 5th,
12 2018?

13 A. No.

14 Q. Other than the Israel trip that
15 we discussed at the very beginning of
16 your deposition that Ms. Barbounis
17 ended up taking, were you offered or
18 invited to take any other business
19 trips that you declined to take?

20 A. I don't believe so.

21 Q. Were you denied any -- were
22 there opportunities to go on a business
23 trip that you thought you should have
24 been given and that you weren't, other

1 than that one?

2 A. I don't think so.

3 Q. Mr. Roman's -- I'm sorry.

4 Strike that.

5 Mr. Roman was never allowed
6 to return to the workplace -- let me
7 state it a different way. I apologize.

8 After November 5th, 2018
9 Mr. Roman continued to work remotely at
10 least through the end of your
11 employment, correct?

12 A. Yes.

13 Q. Okay. And are you aware --

14 A. Actually, actually I don't know.
15 I can't say yes or no to that as I'm
16 thinking about it because I was told to
17 work from home.

18 After I think Lisa got
19 employment, then Tricia, then Caitriona
20 and then Delaney, I was the last one
21 left and I was told that the
22 administrative staff wouldn't need to
23 work in the office anymore, that I
24 could work from home. So I wasn't in

1 the office.

2 I did find out later that
3 the new director of development was
4 working out of the office every day,
5 but I was told to work from home. So I
6 wouldn't know if Gregg was there or
7 not. I don't know if he was there
8 after that.

9 Q. So you don't have any personal
10 knowledge that Mr. Roman ever returned
11 to the workplace, correct?

12 A. Correct.

13 Q. Okay. So as far as you know he
14 could be still working remotely today,
15 correct?

16 A. Correct.

17 Q. Did you ever talk to Matt Ebert
18 about Ms. Barbounis's sexual conduct?

19 A. I don't remember specifically
20 having a conversation with him about
21 it. He might have overheard, you know,
22 me talking about it to her possibly.
23 Maybe I might have made an off-color
24 comment about her or something, but I

1 don't remember having a specific
2 conversation with him about that.

3 Q. Were you aware that after your
4 November complaint that Tricia McNulty
5 often complained about your work
6 product?

7 A. No.

8 Q. Are you aware that she
9 complained that you didn't know how to
10 run payroll?

11 A. No.

12 Q. Are you aware that Lisa
13 Barbounis did not appreciate that you
14 were trying to boss her around still?

15 A. I don't -- that doesn't surprise
16 me. I don't know that I was bossing
17 her around but...

18 Q. If the Forum migrated or at
19 least partially migrated to the Google
20 G Suite in March of 2019, would you
21 agree with me that that was before you
22 deleted the materials from Dropbox in
23 October 2019?

24 A. Yeah. So we were in Google



1 Drive at that point.

2 Q. Not everyone, correct?

3 A. He was -- I think Daniel had
4 said that everyone could choose what
5 they wanted.

6 Q. Okay. I am not asking about
7 anything you discussed with counsel so
8 please keep that instruction in mind
9 when you answer this next question.

10 Why did you not want to have
11 the same lawyer as Lisa Barbounis?

12 A. I never said I didn't want to
13 have the same lawyer as Ms. Barbounis.
14 I made the decision to file on my own
15 because I felt persecuted and I made
16 the decision to file. I chose my
17 lawyer.

18 Q. Did Ms. Barbounis, did she tell
19 you that she did not want to have the
20 same lawyer as you?

21 A. I don't remember discussing
22 that. I don't remember talking about
23 lawyers. I made my decision. I didn't
24 even know that I was going to do it



1 until that day. I knew that I was
2 speaking to Erica because I wanted to
3 make sure that I was protecting myself.
4 And the friends that I had talked to
5 instructed me that I should be
6 protecting myself. So I had a
7 conversation with her and that's why I
8 went with my lawyer.

9 I actually do remember at
10 some point Lisa saying well, why don't
11 you come with my lawyer?

12 And I was like because I
13 have my lawyer; I don't want to be with
14 you.

15 Q. Did you transfer money from the
16 Forum's bank account after you left the
17 Forum in the amount of \$500?

18 A. No. I didn't touch any of the
19 Forum's bank accounts after I left. I
20 did actually have an automatic check
21 set up for myself because I was -- they
22 had asked me to do the books for
23 Savannah and they were paying me \$500 a
24 month to do it under my LLC.

1 So like it was a recurring
2 bill and it would take a while to get
3 there because it was processed through
4 the bank. So I set it up as recurring,
5 so I actually still get checks from the
6 Forum.

7 The last check that I got I
8 remember going back and looking to see
9 if I should have been paid for that, if
10 that was one if I should have cashed it
11 or not. And I determined that that
12 \$500 was for services rendered for
13 February. So I think I did cash one,
14 but the rest of them that I get,
15 continue to get I shred them.

16 Q. When was the last time you got a
17 check from the Forum?

18 A. I actually got three of them not
19 too long ago. They must have been hung
20 up in my mail forwarding and I got
21 three of them not too long ago and I
22 shredded them all.

23 Q. Did you notify the Forum that
24 you had gotten checks from them?

1 A. No.

2 Q. So did you get a \$500 check from
3 Savannah then after you left the Forum?

4 A. That's what I got, yeah.

5 Q. And that one you cashed?

6 A. Yes.

7 Q. And you determined that that was
8 provided to you for services rendered?

9 A. It was for the prior month and I
10 had worked the entire month so I cashed
11 it.

12 Q. Okay. Did you ever threaten
13 Daniel Pipes that you were going to
14 quit the Forum?

15 A. I said if he made -- I think, if
16 I remember correctly, I said that if he
17 made Matt Bennett the director I would
18 quit.

19 Q. If he made Matt Bennett the
20 director?

21 A. He made him the deputy director
22 or made him like the director
23 intermittent or whatever. And so I
24 don't know what -- he was like going

1 give him a chance to prove he could be
2 the director.

3 Q. And did you tell Dr. Pipes that
4 you would have no trouble finding
5 another job if you were to quit?

6 A. I don't remember. I'm sure I
7 thought that.

8 Q. At your meeting at Misconduct,
9 the one we discussed much earlier
10 today, at that time you were human
11 resources, correct?

12 A. Yes.

13 Q. Did you ever discuss with Daniel
14 Pipes that dinner or meeting?

15 A. No. I felt that, I felt that he
16 had a crush on me and I felt like I
17 could just keep him at arm's length. I
18 didn't realize that he was a predator.

19 Q. You're referring to who?

20 A. Gregg Roman.

21 Q. And you say he is a predator.
22 Did you -- I'll use your word,
23 predatory behavior. You did not
24 experience any such behavior after

1 November 5th, 2018, correct?

2 A. Yes.

3 Q. And you've identified today all
4 the instances that you felt were
5 predatory behavior prior to November
6 5th, 2018, correct?

7 A. No.

8 Q. No? Anything -- well, you
9 summarized them in your charge,
10 correct?

11 A. Some of them.

12 Q. Okay. Are you aware that
13 anything that's not in your charge is
14 not something that can be the basis for
15 your claim now?

16 A. Yes.

17 Q. Okay.

18 MS. DIBIANCA: All right.
19 I'm going to take about ten minutes.
20 Let's take fifteen minutes because I
21 think I can wrap up after if I get
22 fifteen minutes to just review my
23 outline.

24 Okay, Erica?

1 MS. SHIKUNOV: Yes. Sorry.

2 I can't figure out when I'm on mute or
3 video, so yes.

4 THE VIDEOGRAPHER: Going off
5 the record at 3:42.

6 (A brief recess was taken.)

7 THE VIDEOGRAPHER: We are
8 recording and on the record at 4:00
9 o'clock.

10 BY MS. DIBIANCA:

11 Q. Ms. O'Brien, you're aware that
12 Ms. Barbounis alleges that she
13 destroyed or she deleted electronic
14 files at your instruction, correct?

15 A. Yes, I'm aware of that.

16 Q. And you disagree with that
17 claim, correct?

18 A. I don't recall instructing her
19 to do that. I was very worried about
20 any personal information being left on
21 the laptop because I was afraid that
22 Gregg would get access to it.

23 I remember encouraging her
24 to buy it, but I don't remember, you

1 know, instructing her to do that.

2 Q. Instructing her to wipe the
3 device?

4 A. Correct.

5 MS. DIBIANCA: Erica, I have
6 one, two, three, about six separate
7 text messages. My proposal would be
8 this. I would like to admit them as a
9 single exhibit just to save the hassle
10 of marking them. But how about we go
11 through them first and then you can let
12 me know if you think that's appropriate
13 or not? Okay?

14 MS. SHIKUNOV: That's fine
15 with me.

16 MS. DIBIANCA: Okay.

17 BY MS. DIBIANCA:

18 Q. All right. Ms. O'Brien, I'm
19 going to attempt to share my screen
20 here. Let's see if I can do it this
21 time.

22 You should see a document.
23 This is a text message. It's a
24 printout, an electronic printout. I'm

1 not sure what's the best way to say it
2 is. But, in other words, it's not on a
3 phone but it came from a phone.

4 The date on the top is 2018,
5 October 31. Do you see that?

6 A. Mm-hmm.

7 MS. SHIKUNOV: You have to
8 say yes.

9 A. Yes. Sorry.

10 Q. That's all right. It's late in
11 the day. It gets a little harder.

12 And this is from you to
13 Ms. Barbounis. Is that correct?

14 A. Yes.

15 Q. And it's 11:49 a.m. when it was
16 sent, correct?

17 A. I'm sorry. What did you say?

18 Q. It was sent at 11:49 a.m.?

19 A. Yes.

20 Q. Okay. It states "They are going
21 to ask what we talked about."

22 Who were you referring to
23 when you said "they"?

24 A. The other staff members. This

1 was, this was I believe after we had
2 had coffee and we were going back to
3 the office. And I was -- I think I had
4 said earlier that I was nervous because
5 of what I had just kind of found out
6 and I was trying to figure out how to
7 handle it. I was afraid that they were
8 going to think that we were like Lara
9 and Laura and conspiring when really we
10 weren't conspiring.

11 She told me something that
12 happened and I was trying to figure out
13 how to handle it. And I wanted her to
14 give me space and I said that the other
15 ones, because they knew we were going
16 to get coffee, were going to ask what
17 we talked about.

18 So I had wanted her to just
19 say we were talking about that we
20 are -- I don't know how to say it --
21 our personalities, we do have similar
22 personalities. We're very different,
23 but we just -- I think our similarities
24 make it hard, were making it hard for

1 us to get along and we did talk about
2 that.

3 So I think I just was
4 thinking rather than tell anybody all
5 the stuff that was going on it was
6 better that the office not be talking
7 about it, that it not be gossip and
8 that it just be kept between us until
9 we figured out what to do with it.

10 And they actually I think
11 were probably -- now that I'm thinking
12 about it, including in that would
13 probably have been Matt and Gregg
14 because they also knew that we were
15 going to coffee. So I just wanted to
16 not have anybody's input on it, but
17 also I didn't trust Matt or Gregg and
18 was afraid that it would be handled
19 inappropriately if I wasn't able to
20 report it.

21 Q. Were your other coworkers at
22 that time aware of Laura and Lara?

23 A. Yeah. Some of them were because
24 it was talked about, so I think mostly

1 everybody was.

2 Q. And mostly, you think mostly all
3 of your coworkers were aware that Laura
4 and Lara were conspiring against the
5 Forum?

6 A. Stacey was because I think
7 Stacey worked with them, as well as
8 Thelma, so they definitely did. And
9 other people knew what had happened.

10 And, again, I don't know
11 that they were conspiring against the
12 Forum. I think at this point, and
13 hindsight being 20/20, I think they
14 probably had a gripe and I probably
15 think that, because Gregg was always
16 promoting to everybody like that we
17 were like friends, that they weren't
18 comfortable coming to me and they were
19 just handling it inappropriately.

20 Q. And this, so we have a nice
21 clean transcript, is D9917.

22 The next one I would like
23 you to look at is marked or has been
24 stamped D9928. This is the same day,

1 less than an hour later you text Lisa
2 Barbounis and say "We both need to be
3 model employees right now."

4 A. Right when we got back from
5 coffee, like I said, I was already on
6 edge and Gregg, like I said earlier,
7 they were at a taping of the radio show
8 that they did, Matt and Gregg were.

9 And the minute, I felt like
10 the minute we got back from coffee
11 Gregg called her and I could hear her
12 talking and saying like, you know,
13 answering whatever questions he was
14 asking. And then he called me and I
15 was really stressed out and I didn't
16 want to talk to him because I just was
17 overwhelmed I guess with everything
18 that was going on, but he did call my
19 office right after he spoke with her
20 and he was asking me, you know, what
21 happened?

22 And I said we were talking
23 about that stuff. And then right at
24 the end of the conversation -- well, I

1 have to back up for a second because
2 the day that Lisa and I talked, right
3 before we left she said to me wait a
4 minute. Before we leave I've got to
5 tell you something. I wrote you up.
6 Matt told me that I had to write it up.
7 He told me I had to before close of
8 business. They were demanding that I
9 write up the issue. She said I really
10 didn't want to do it because I didn't
11 want to like report you but they told
12 me I had to.

13 She said that Matt told her
14 that. And Gregg had asked me to do the
15 same, but I refused because I told him
16 I didn't think he would like what I was
17 going to write.

18 So she had told me that when
19 we went back.

20 So now going back to where I
21 was, he has me on the phone and he
22 said, you know, was asking me how
23 everything was. And then he goes all
24 right; listen, I want you to act calm.

1 I don't want you to lose your mind or
2 anything, but I got to tell you. Lisa
3 filed a complaint against you, but
4 don't worry. It's okay. I can make it
5 go away. Marc Fink is going to come in
6 on Friday and he is going to interview
7 everybody in the office to see about
8 your behavior. So, you know, don't
9 worry. It's going to be okay. I can
10 make it go away.

11 And I was immediately
12 concerned that I was now going to be
13 targeted to be fired and that is why I
14 said that I would imagine.

15 Q. When you say he said that Marc
16 Fink would come in, was that Matt
17 Bennett?

18 A. No. Gregg Roman. That's who I
19 was speaking with on the phone. Gregg
20 told me that Marc Fink was, that he was
21 going to have Marc Fink come in and
22 interview all the employees about my
23 behavior.

24 And then at the point at



1 which we had the meeting and Marc was
2 in the office a few times and I had
3 asked him about that and Marc said I
4 had no idea, no one ever asked me to
5 come in and interview anything about
6 that.

7 Q. Okay. The next text message is
8 stamped as D9938. And this is, let's
9 see how far, less than ten minutes
10 later after the one we just reviewed.

11 You say to Mr. Barbounis "We
12 need to steer clear of each other
13 around everyone else. I believe you.
14 They need to think we are at odds
15 though. They are trying to pit us
16 against each other, probably to get rid
17 of us both."

18 Did I read that correctly?

19 A. Yes.

20 Q. And you were at this point
21 hiding information from Daniel Pipes
22 and Gregg Roman, correct?

23 A. I was deciding how to handle the
24 information that was given to me. I

1 wasn't hiding it. I was trying to
2 handle the situation and figure out the
3 best way to handle the situation
4 because, again, she was telling me that
5 she didn't want to report it.

6 Q. Okay. Well, you two were not at
7 odds, correct, you and Ms. Barbounis?

8 A. We were generally at odds all
9 the time. And I said I believe you
10 there because, well, she kept trying to
11 talk to me in the office and I needed
12 her to stay away from me. I just
13 didn't want that because then she would
14 remember this or remember that or want
15 to say this.

16 And I just said we need
17 steer clear of everyone else or around
18 everyone. I did believe her. She
19 didn't trust me at that point that I
20 was going to do the right thing, that I
21 was going to do my job.

22 And I just wanted everyone
23 to think the situation hadn't changed
24 until I figured out how to handle it.

1 And they were trying to pit us against
2 each other because they told us both to
3 write each other up.

4 And I felt that they're
5 trying to get rid of us.

6 Q. You and Ms. Barbounis had had
7 a pretty heated argument in the
8 workplace, correct?

9 A. Yes.

10 Q. Yes. And so did you find it
11 unusual that following a heated
12 altercation in the workplace that the
13 involved employees would be asked to
14 write up a report about it?

15 As HR, did you think that
16 was unusual?

17 A. I felt that Gregg asked for
18 things to be written up when it suited
19 him.

20 Q. Well, didn't Mr. Bennett ask
21 you? I thought that was your
22 testimony.

23 A. No. Gregg instructed me to do
24 it and Matt instructed Lisa and he

1 instructed her because Gregg told him
2 to. She said that Gregg told him to
3 tell her.

4 Q. That's thirdhand knowledge to
5 you, correct?

6 A. Lisa said Matt told me Gregg
7 wanted me to write you up; it had to be
8 done by close of business.

9 So I don't know what kind of
10 knowledge that is.

11 Q. You heard from Lisa who heard
12 from Matt who heard from Gregg, right?

13 A. Yes.

14 Q. Okay. So you were not at odds
15 with Lisa Barbounis at the time you
16 sent this text message, correct?

17 A. I was, well, at odds thinking
18 that we were still fighting and I just
19 wanted them to think that we were still
20 fighting.

21 Q. Were you still fighting with
22 Ms. Barbounis at the time you sent this
23 text message?

24 A. No. She had handed me a big



1 problem and I believed her.

2 Q. So when you said they need to
3 think we are at odds, you were not at
4 odds, correct?

5 A. No. I don't know what we were.
6 We weren't like in cahoots. We were
7 handling a situation. So I wouldn't
8 say we were at odds, no. But we were
9 both in the middle of a problem.

10 Q. But you instructed your coworker
11 to pretend that you were at odds to
12 hide it from your supervisors, correct?

13 A. I told her to steer clear of me
14 and to leave me alone so that we could
15 figure out what it was. And I wanted
16 them to think that we were still at
17 odds because I was afraid that if they
18 thought that we were speaking and
19 sharing information that they would try
20 to fire us.

21 Q. So you wanted her to give a
22 false impression. Is that correct?

23 A. At that moment, yes.

24 Q. Let's go to the next one. This

1 one has been stamped D9941.

2 The same day, this is two
3 minutes, actually less than two minutes
4 later and you say "We need to play our
5 cards together so we can get out and
6 not be broke or scumbags."

7 Do you want to explain that
8 one?

9 A. Yes. They were trying to fire
10 us and we both felt like we were trying
11 to be fired.

12 Scumbags are people that do
13 the shit that Gregg Roman does and I
14 didn't want to do anything underhanded.
15 I wanted to do my job and I wanted to
16 keep it.

17 Q. You said you thought you were
18 being fired at that time?

19 A. I felt like he was gearing up to
20 line me up to get rid of me because,
21 remember, I had said after, after the
22 quarterly meeting and I told him I
23 wouldn't fuck him and after I said I
24 wouldn't go to Israel, remember I said

1 that I had been his right-hand man and
2 then all of a sudden Matt was his
3 right-hand man, I felt like I was being
4 teed up to be the next one out the
5 door.

6 Q. So did you see Ms. Barbounis's
7 complaint as a way to retain your job?

8 A. I felt like Gregg Roman was
9 trying to get rid of people that
10 wouldn't fuck him. And I felt like if
11 we played our cards right and took it
12 to Daniel and took it to Marc that we
13 would not get fired and Gregg would.

14 That's what I thought.

15 Q. Okay. Didn't you ask Mr. Roman
16 on the same day about the real estate
17 course, taking time off for the real
18 estate course?

19 A. Oh, yeah. Do you know what? I
20 did because I wanted to make sure -- I
21 was planning at that point to go to it.
22 It was supposed to start on November
23 5th and I knew that I was going to
24 report it, so I wanted to make sure

1 that Daniel knew that Gregg had already
2 approved it and I wanted it in writing.

3 Q. No. My question was you asked
4 Gregg?

5 A. I wanted Gregg to confirm that
6 he had told me I could take the class.
7 I wanted it in writing because it was
8 another reason I was going to be out
9 for two weeks after all this. I wanted
10 Daniel to know that Gregg had
11 previously approved it. That is why I
12 reached out to him.

13 I wanted it in writing so
14 that he couldn't say that I wasn't at
15 work for two weeks.

16 Q. So you were so scared that you
17 were going to lose your job that you
18 wanted to, you instructed your coworker
19 to give your bosses a false impression,
20 but on the same day you asked your boss
21 for confirmation that you were going to
22 be allowed two weeks off, correct?

23 A. I was confirming with him that I
24 could take those -- that he had given

1 me the permission for those two weeks
2 because I was afraid for my job and I
3 didn't want to give Gregg any
4 ammunition that he could say to Daniel
5 oh, she didn't show up; she was yelling
6 at employees.

7 Q. Were you yelling at employees?

8 A. You know that I was. Lisa and I
9 had a fight.

10 Q. You said "employees." So were
11 there others?

12 A. No.

13 Yeah. I yelled at Matt.

14 Q. The next one is D9949. It looks
15 like this one was sent about 30 minutes
16 later. You say "We just need to be
17 smart and no one else can know that we
18 have each other's backs."

19 So would you agree with me
20 that in this text message you were
21 instructing Ms. Barbounis that you
22 should hide information from your
23 superiors?

24 A. I didn't want -- I was trying to



1 be smart about it because Gregg's
2 incredibly smart and Gregg was already
3 geared up to get Lisa fired and I felt
4 like he was positioning me to be the
5 next one out the door. And I was
6 trying to protect -- as you can tell,
7 all of these happened the day that I
8 found out about that, the day that she
9 told me what he did to her.

10 Q. That's my point exactly.

11 A. It was fear and panic and it was
12 trying to keep our heads above water
13 until I could figure out how to handle
14 it because, again, she kept saying she
15 didn't want to tell him.

16 But after thinking about it,
17 I realized there's really no question
18 for me. It's my job. I have to tell
19 him.

20 Q. After you told Dr. Pipes, made
21 the report to Dr. Pipes, at that point
22 did you tell him that you and Lisa,
23 that you have Lisa's back?

24 A. Well, having her back is -- I

1 don't even know that I told him that or
2 not, but I believed her, I believed
3 her. I believed her story so that's
4 having her back.

5 Q. The next one is D9985. And let
6 me see, the same day. It looks like
7 ten hours later, if I'm doing the math,
8 but I'm not sure that I am.

9 You say "Honestly, I figured
10 you would. I think you should consult
11 your people and see how they guide you.
12 I think together we could have an
13 impact with DP. I'd like to look out
14 for MEF but I'm in your corner in the
15 meantime. I will be looking to cover
16 my ass. Apparently I'm going to need a
17 new job. Ugh. So disappointing. I
18 really think DP and Marc would hear us
19 if we went together and spoke from the
20 heart."

21 So I would like to focus on
22 the sentence that says "I'd like to
23 look out for MEF but."

24 So at that point you were

1 not looking out for MEF, correct?

2 A. I was concerned that MEF was
3 going to just be worrying about Gregg
4 and looking out for Gregg. I was
5 taking a stand that I believed Lisa and
6 I was trying to cover my ass with them
7 not to lose my job, although I figured
8 I was going to. As you can see, I was
9 nervous about it.

10 I was hoping that if we took
11 our stories to him and told him
12 everything, like not just her story,
13 what had happened to me, I felt like
14 they would have to see that, coupled
15 with the fact that Tiffany Lee had
16 already alleged that he was sexually
17 harassing her. Lara and Laura were
18 alleging that he was harassing them.

19 I said if, I thought that if
20 the two of us stood together strong,
21 told our stories, because again she
22 didn't want to tell her story, I
23 thought that they would hear us and
24 that we could make it through it and

1 potentially keep our jobs.

2 I was wrong.

3 Q. You did keep your job, didn't
4 you?

5 A. -ish.

6 Q. You did continue to work there,
7 right?

8 A. I did. From home.

9 Q. From home. At the end of your
10 employment, correct?

11 A. Yes.

12 Q. And you resigned, correct?

13 A. Yes.

14 Q. After you had obtained another
15 job, correct?

16 A. Yes.

17 Q. Where you believed you would be
18 making approximately \$30,000 up to
19 \$80,000 more per year, correct?

20 A. Not to start. I was taking a
21 pay cut.

22 Q. You said that you expected to
23 earn a hundred -- you wanted to earn a
24 hundred but that you thought you could

1 go up to 150 I think it was?

2 A. It was goal that I would be
3 reaching for. They were hiring me at
4 fifty. There was an opportunity for
5 other stuff and I said that my goal
6 would have been 130.

7 Q. 130. But you took the job
8 because you knew that there were these
9 other earning opportunities that would
10 get you to a hundred, correct?

11 A. That could potentially get me
12 there.

13 Q. Well, you believed it would,
14 right?

15 A. I believed I would rather take a
16 try at that than stay where I was.

17 Q. Did you believe that you were
18 going to earn, you could use the
19 earning potential of the new job and
20 that you would earn at least a hundred
21 thousand?

22 That was your testimony
23 earlier so I'm asking you if that's no
24 longer true.



1 MS. SHIKUNOV: Objection to
2 the characterization of her testimony
3 because it's a mischaracterization. It
4 speaks for itself.

5 And I think we're at the end
6 of a deposition getting bogged down in
7 semantics, but that's a mis-
8 characterization of your testimony.

9 A. What's the question again?

10 Q. You accepted the position, the
11 new position because you believed you
12 were going to earn at least \$100,000,
13 correct?

14 A. No. I accepted the position
15 because I could leave. The salary that
16 I was offered was \$50,000 and there was
17 a potential to earn more and I had set
18 a goal of about 130.

19 They had never really done
20 this with anybody before so it wasn't
21 like there was other people that had
22 already done that.

23 Q. What cuts in your budget did you
24 make to accommodate for the difference

1 in salary between the seventy-one that
2 you were earning at MEF and the fifty
3 that you were going to earn at the new
4 place?

5 A. I had moved in with Matt and I
6 was renting my townhouse and --

7 Q. You had done that before you got
8 that job offer, correct?

9 A. Yeah. But that's why I felt
10 like I could take it. My expenses were
11 less. I was gaining -- you know, my
12 household expenses, we were sharing
13 those.

14 And I was having a little
15 bit of income from my townhouse to
16 cover those expenses.

17 Q. Let's go to the next one, D9204.
18 This is November 2nd, so this is after
19 you made the complaint to Dr. Pipes
20 after Dr. Pipes spoke with you about
21 your complaint but before the November
22 5th meeting.

23 And you say to Ms.
24 Barbounis "I don't think we should

1 write grants. I think you should run
2 for an office or something and I should
3 be your campaign manager. Fuck it. Go
4 big or go home. Let's rule the world."

5 A. We felt, I felt really good --
6 I'm sorry. Go ahead. Ask your
7 question.

8 Q. I was going to ask you to tell
9 me what this means.

10 A. I can't remember what -- oh, so
11 this was after I had given Daniel the
12 complaint. So I guess -- I'm trying to
13 remember like what this scenario was.

14 I guess -- I'm trying to
15 think what DP -- I think DP must have
16 shut down Gregg a little bit. So I
17 felt good about that. And we had been
18 talking about doing like something --
19 we liked working together. As much as
20 we hated each other at times, I felt
21 like she was a hard worker and she
22 wanted to write grants or something
23 like that for -- I don't know -- like a
24 non-profit or whatever.

1 And I said -- we didn't want
2 to work there anymore and we were
3 trying to think of what we could do.
4 And I guess I thought she was, I said
5 she was -- she certainly shouldn't run
6 for office that's for sure, knowing
7 what I know now.

8 But let's rule the world.
9 We felt good, I felt good because I
10 felt like I stood up to a bully.

11 Q. What did you mean by "Go big or
12 go home"?

13 A. I don't know. I guess like her
14 being for an office or something
15 because she likes politics. Go big or
16 go home, like that's what you like,
17 let's do that.

18 And I also had two beers so
19 I don't really know.

20 Q. This is marked or stamped
21 D10090. It's the same day, Friday,
22 November 2nd, 2018. This is Lisa to
23 you: "Anyone talk to Delaney or
24 Caitriona?"

1 When did you involve Delaney
2 and Caitriona in your efforts?

3 A. Well --

4 MS. SHIKUNOV: I'm going to
5 object to the form of that question.
6 And I'm going to instruct her not to
7 answer because there were no efforts.

8 If you want to ask her when
9 they were made aware of her reporting
10 the sexual assessment, I'll allow her
11 to answer that question.

12 MS. DIBIANCA: Counsel, I
13 appreciate you suggesting the question
14 that I should ask, but my question is
15 pending and I'm not taking it back.

16 So you can go ahead and have
17 your witness answer.

18 MS. SHIKUNOV: I just told
19 you I instructed her not to answer
20 because that is a completely
21 argumentative question. So you can
22 rephrase it or she's not going to
23 answer.

24

1 BY MS. DIBIANCA:

2 Q. Ms. O'Brien, when did you
3 involve Delaney and Caitriona in the
4 sexual harassment allegations?

5 A. I never involved them in the
6 sexual harassment allegations.

7 Looking at the dates,
8 Friday -- so Thursday was when Daniel
9 came in and was interviewing all the
10 people, I think. And the next day I
11 think there was a day where Gregg was
12 going into the office or they were
13 going to be in the office and they just
14 really didn't know what was going on
15 and I guess she was asking if anyone
16 told them.

17 Q. And had anyone told them?

18 A. I don't remember. What was the
19 next text message?

20 Q. I'm asking you to the best of
21 your knowledge.

22 A. I know I didn't. I don't know.
23 I think, I think that they knew what
24 had happened in Israel. Like I said, I



1 think everybody knew, but I don't know.

2 I guess they knew I had
3 reported it because Daniel was talking
4 or I guess they knew something was up
5 because Daniel was going around. So I
6 guess she was trying to find out what
7 they knew or if they knew because that
8 was their first job, that was their
9 first big girl job, and Delaney spent
10 every day being terrified.

11 Q. Are you finished with your
12 answer?

13 A. Yep.

14 Q. This is D10092 and it's Friday,
15 November 2, 2018. You text Lisa and
16 Tricia McNulty and ask them to call you
17 in a three-way phone call.

18 Do you recall that?

19 A. I don't recall it, but it looks
20 like I did.

21 Q. And do you recall if you had the
22 three-way call?

23 A. I'm sure that we did. And,
24 again, I'm looking at this time frame

1 because after Daniel kind of
2 interviewed everybody he just went away
3 and there was nothing. I didn't know
4 what was going on. I didn't know
5 anything. I didn't know if I was
6 getting fired. I didn't know if Lisa
7 was getting fired. I didn't know what
8 Gregg had said. It was just in limbo.

9 It was actually probably the
10 worst weekend of my life because I just
11 didn't know what was going on.

12 And I also -- I'm not sure
13 when I found out. But I didn't know --
14 again, like we never discussed AIPAC
15 amongst, amongst the three of us. Like
16 they never really discussed that AIPAC
17 moment with me. And apparently Tricia
18 had other instances. I found out that
19 she had lodged a complaint with him at
20 that point.

21 Q. At what point?

22 A. Somewhere, somewhere in there.
23 So I guess I was just trying to
24 figure -- we were all trying to figure

1 out what was going on. We didn't know.

2 Q. So in your HR capacity you had
3 an off-duty call with your two
4 coworkers to discuss the complaint that
5 you had brought to the Forum, correct?

6 A. I think I had said earlier that
7 I felt like I was immediately relieved
8 of my HR duties when I reported that.

9 Q. Did you tell anyone at the Forum
10 that you thought you had been relieved
11 of your HR duties once you reported the
12 complaint?

13 A. Well, since they never discussed
14 it with me again until, you know, later
15 on with the group, no, I didn't have an
16 official conversation about it. But
17 Marc Fink had definitely stepped in and
18 was taking the lead on it.

19 Q. And Marc Fink for the record is
20 the Forum's in-house counsel, correct?

21 A. Yes. And he was really the top
22 of the line for HR because he is a
23 lawyer and he has experience and all of
24 that. In the Forum like he was a part

1 of HR and when things were above me
2 they went to him.

3 MS. DIBIANCA: Erica, do you
4 have a preference on how we move these?

5 MS. SHIKUNOV: Nope.

6 MS. DIBIANCA: Nope. Okay.
7 So what I'm going to do is I will move
8 these as one exhibit but, Kurt, I can't
9 recall what number we're on.

10 Is it 4?

11 MR. WILLIAMS: 4 is correct.

12 MS. DIBIANCA: Jakob, you
13 said 4?

14 MR. WILLIAMS: Yes, 4 is
15 correct.

16 MS. DIBIANCA: We can't hear
17 you, pal.

18 MR. WILLIAMS: Yes, 4 is
19 correct.

20 MS. DIBIANCA: Okay.
21 Thanks.

22 (O'Brien Deposition Exhibit
23 No. 4 was marked for identification.)

24 MS. SHIKUNOV: Molly, do you



1 know how much longer you have? Because
2 I just want to refill my water bottle
3 unless you are wrapping up.

4 MS. DIBIANCA: I'm going to
5 do the Ebert phone call now so --

6 MS. SHIKUNOV: Do you mind
7 if I take two just to run to the
8 kitchen?

9 MS. DIBIANCA: Absolutely.
10 Go ahead. No problem at all.

11 THE VIDEOGRAPHER: Going off
12 the record at 4:35.

13 (A brief recess was taken.)

14 THE VIDEOGRAPHER: We are on
15 the record at 4:39 Eastern Time.

16 BY MS. DIBIANCA:

17 Q. So, Ms. O'Brien, I'm going to
18 now play the audio recording of the
19 phone call that we discussed earlier
20 from your boyfriend, Mr. Ebert, to
21 Mr. Roman in September 2019.

22 The court reporter is not
23 going to transcribe the actual phone
24 call. In the transcript it will just

1 say audio recording was played.

2 So it's reasonably brief,
3 but I think it's like nine minutes or
4 something. So I'll just ask that you
5 be patient and listen to the whole
6 thing and then I'll ask you some
7 questions about it at the end.

8 A. Okay.

9 Q. Actually, I have to do some
10 magic thing, don't I, Chris, to get
11 people to hear that, right?

12 THE VIDEOGRAPHER: You
13 should be able -- as long as it's
14 opened first, go to screen share, it
15 should play properly.

16 MS. DIBIANCA: Oh, yes,
17 share computer sound. There you go. I
18 didn't know if there was some other
19 thing I had to do.

20 Erica or Ms. O'Brien, if
21 somebody can just nod in just a moment
22 to indicate that you can hear the
23 recording so I know that it's actually
24 working on your end for you to hear.

1 (The audio recording was
2 played at this time)

3 A. (The witness nodded.)

4 Q. Okay. Thank you.

5 So that ends the call there.

6 Who was the woman he was talking about
7 in D.C. with the long sexual history?

8 A. I would have to assume that's
9 Lisa.

10 Q. And he said that she was out on
11 the prowl -- I'm using his words -- on
12 Fridays and Saturdays.

13 How was he aware of that?

14 A. I don't know that she was out on
15 the prowl on Fridays and Saturdays.
16 You would have to ask him how he knows
17 that.

18 Q. He said that she was the one
19 that got the ball rolling and everybody
20 jumped in.

21 Would you agree with that
22 description?

23 A. No.

24 Q. Why not?



1 A. Because there was no ball
2 rolling. There was an inappropriate
3 behavior that was followed up with an
4 intention to fire someone. So it
5 wasn't a ball to be rolled. It was
6 calling out a bully and a predator. It
7 wasn't a ball rolling.

8 Q. Who was the person he was
9 talking about who was leaving in the
10 next month?

11 A. I don't remember. I don't know.
12 They were all getting jobs and job
13 offers, more so than I was. I didn't
14 get anything really except for that
15 one.

16 Q. And he knew that Mr. Roman was
17 on Mr. Ebert described it as work
18 leave.

19 How did Mr. Ebert know that
20 Mr. Roman was not in the workplace at
21 that time?

22 A. Again, I'm sure I must have
23 mentioned some of it to him, so I guess
24 he picked that up that he wasn't

1 allowed in the office.

2 Q. "He," meaning Mr. Ebert, picked
3 up that he, Mr. Roman, was not allowed
4 in the office?

5 A. Yes.

6 And I wasn't at a high-end
7 dinner so I don't know anything about
8 that.

9 Q. Where were you with Mr. Ebert
10 and some of your coworkers?

11 A. I think one night we had gone
12 out for drinks and I called him and he
13 met up. By the time he got there
14 everyone had left and Lisa was the only
15 one there and she left pretty much
16 immediately after he got there
17 because -- I don't know why but she
18 didn't stick around.

19 Q. How did he know, how did he,
20 meaning Mr. Ebert, know that there were
21 four women involved in the suit?

22 A. I told you I don't know what I
23 told him or I didn't. I was dating
24 him. I didn't confide in him. I

1 didn't -- you know, I did ask him to
2 come in and look at the ceiling. I
3 think that's the night that I did it.
4 I had told him that there were issues
5 and I asked him to come in and look at
6 the ceiling or whatever.

7 So obviously I had given him
8 some information, but I certainly
9 wasn't confiding in him all of it. I
10 actually didn't like talking about it
11 because it was upsetting and I was
12 trying to not talk about it.

13 Q. Did you smoke marijuana with
14 your coworkers?

15 A. They don't really smoke. I
16 don't know why he said that because I
17 don't think I was even smoking that
18 night. I actually -- I don't remember.

19 Q. Do you remember if you ever
20 smoked marijuana with your coworkers?

21 A. I smoked with Tricia at the gala
22 because somebody had had something
23 there and Gregg obviously and Matt.

24 But the others, like Lisa



1 and Delaney and Caitriona, didn't
2 really do that. Tricia really didn't
3 do it either, but she actually started
4 to after because she was so stressed
5 out.

6 Q. When did she start smoking
7 marijuana?

8 A. I don't -- I mean I know she was
9 talking about trying to use it to go to
10 sleep or something like that and it was
11 after all, after November 5th when
12 everybody was really stressed.

13 Q. How did Mr. Ebert know that
14 Dr. Pipes was only in about once a
15 week?

16 A. Well, I'm sure I told him that
17 because he, you know, knew that I
18 could -- you know, it wasn't like the
19 wild west. Daniel said we could come
20 and go as we needed to and work from
21 home.

22 And I think -- you know, I
23 know I did it more after Gregg left
24 because Gregg would demand us to be in

1 the office, but I would work from home.
2 So I guess he was painting it like, you
3 know, everything was, we were all
4 running the streets, but we were all
5 actually still working.

6 Q. And how did Mr. Ebert know that
7 Lisa had recorded you?

8 A. That wasn't me. That was a
9 different recording. And that wasn't
10 made up. I don't think -- if I didn't
11 know it, he couldn't have known it.
12 And I didn't find it out until much
13 later. So he definitely wasn't talking
14 about that.

15 But I do know that when Lisa
16 was in D.C. she was out to dinner with
17 a bunch of girlfriends. And I was
18 afraid to tell people that I had this
19 suit because, again, the NDA scared me.
20 I was afraid to say very much about it
21 to anybody. Lisa would tell anybody
22 that walked down the street.

23 And she was telling all
24 these girls at dinner and one of the

1 girls had said to her that she had
2 experienced sexual harassment as well
3 and coincidentally it was someone that
4 you work with. And I don't know -- I'm
5 not even sure if Lisa had told her the
6 whole story, but I guess she had
7 alluded to it. And then this girl
8 started telling a story about Gregg and
9 Lisa got a recording, she recorded her
10 speaking without her knowledge as well
11 the whole conversation with that girl.

12 So I believe that's what he
13 was referring to. I don't think she
14 made it up. Actually, I believe that
15 girl too because all the shit that he
16 was saying is bullshit anyway. He had
17 a couple facts and then he sprinkled in
18 what he wanted to paint.

19 Q. You're talking about Mr. Ebert
20 right now?

21 A. Yes.

22 Q. The recording that you're
23 talking about with Lisa, that Lisa made
24 of another person, not you, have you

1 heard that recording?

2 A. I did, yeah. And she told the
3 story of how Gregg was trying to get
4 her to leave the party and go to his
5 hotel room and he was going to give her
6 a story but he would only give it to
7 her if she came to the hotel room and
8 then he was peeing on the side of the
9 building -- I don't know -- on the way
10 out the door.

11 That's what I remember of
12 that when I heard it.

13 Q. Did you tell Mr. Ebert about the
14 recording?

15 A. I must have said something like
16 she had a recording of somebody else,
17 yes. Either that or he overheard it on
18 the phone because, again, I didn't go
19 into detailed conversations with him
20 about it because, number one, I don't
21 like talking about it. I had to talk
22 about it enough at work and just
23 dealing with it. I liked to be away
24 from it.

1 And the people that I
2 confided in or consulted or tried to,
3 like their shoulders that I cried on,
4 if he had overheard me talking to one
5 of them because a lot of them would
6 call and check on me so, you know, he
7 might have picked that up there. I
8 don't really know how he knows.

9 Q. So some of what he said was true
10 and some was not true. Is that right?

11 A. Yeah. Most of it seems like
12 what he said wasn't true and what he
13 did say was kind of just like very
14 basic.

15 Q. Okay.

16 A. Like the girl in D.C. and a girl
17 that got recorded, like he didn't even
18 get that right.

19 Q. Okay. When you hear the tape
20 now is it pretty clear that that is his
21 voice? Is it clear to you?

22 A. That's him. That's him.

23 Q. Okay.

24 MS. DIBIANCA: All right.

1 Let's go off the record, please, if
2 that's okay, Erica.

3 THE VIDEOGRAPHER: Going off
4 the record at 5:00 o'clock.

5 (A brief recess was taken.)

6 THE VIDEOGRAPHER: We're
7 recording and back on the record at
8 5:04 Eastern time.

9 MS. DIBIANCA: We're back
10 on, Chris, when you're ready.

11 THE VIDEOGRAPHER: Yes. Can
12 you hear me? We're back on the record
13 at 5:04.

14 (A discussion was held off
15 the record)

16 BY MS. DIBIANCA:

17 Q. So, Ms. O'Brien, I would like
18 to play the recording now that
19 Ms. Barbounis made without your
20 knowledge. And I may stop it at some
21 point to ask questions because it's a
22 bit long so just bear with me there.

23 (The audio recording was
24 played at this time.)



1 BY MS. DIBIANCA:

2 Q. I'm going to stop the tape there
3 and just ask you to identify who was
4 who. So who was speaking last just
5 there where somebody said "I'm not
6 happy"?

7 Was that you?

8 A. Yes, that was me.

9 Q. Okay. I'm going to continue it
10 now.

11 (The audio recording was
12 played at this time)

13 BY MS. DIBIANCA:

14 Q. Let me ask a question. I'll put
15 the tape on pause and I'll ask a
16 question.

17 At this point in the
18 conversation, Ms. O'Brien, did you
19 think that Ms. Barbounis and some of
20 the other women that you worked with
21 were ganging up on you?

22 A. No, I didn't think they were
23 ganging up on me. I think that, you
24 know, with Gregg out of the office we

1 were all still afraid that we were
2 going to get fired and I wanted to keep
3 my job and I wanted everybody to keep
4 their job.

5 So I felt like they should
6 have picked me for that and I knew
7 background information. I think I
8 actually mentioned it earlier. He
9 had -- you know, I sat with him while
10 he was trying to distribute duties and
11 cover everything and he gave Tricia
12 extra money. And then he asked me to
13 take on extra responsibilities and
14 offered me no money. And I said, you
15 know, I wanted money, extra.

16 He had just taken away my --
17 I had just taken a \$6,000 hit for not
18 having my benefits paid and now he
19 wanted to give me extra responsibility
20 and not pay me for it.

21 So I didn't feel like they
22 were ganging up on me. He told me when
23 he told me that Lisa won he told me it
24 seems that she was campaigning behind

1 the scenes.

2 So I was just irritated
3 because I was -- you know, she was very
4 worried about her job. So I was trying
5 to help her get responsibilities and
6 show her value. And then when there
7 was a moment for her to say yeah,
8 Marnie can handle that, I thought they
9 would just pick me. And then Daniel
10 already knew that if I was going to do
11 it he was going to pay me for it or
12 that I wanted money for it.

13 So I felt like her trying to
14 take an opportunity that should have
15 been mine was screwing me out of money
16 and out of showing my worth and my
17 value because, you know, we all wanted
18 to do that at that point.

19 Q. At the time of the call did you
20 think that Lisa was conspiring against
21 you with the other women?

22 A. No. I thought she was
23 campaigning for the position.

24 Q. Okay. And they all voted --

1 nobody voted for you except for
2 yourself, correct?

3 A. Yeah.

4 Q. You did?

5 A. I did.

6 (The audio recording was
7 played back at this time.)

8 BY MS. DIBIANCA:

9 Q. Okay. Ms. O'Brien, the tape
10 that you just heard, after hearing that
11 tape what is your current opinion of
12 Ms. Barbounis?

13 A. I'm not happy that she taped me
14 without me knowing it. I'm not happy
15 that she played it. I don't know. I
16 mean are you -- I don't know what
17 you're asking really. Because I mean
18 are you asking about then or now? I
19 don't know.

20 Q. Now.

21 A. I think it was pretty screwed up
22 that she taped me without me knowing
23 it, but she taped that other lady too
24 so it shouldn't be surprising.

1 MS. DIBIANCA: Okay. I
2 don't have any further questions.

3 If Erica wants to do any
4 cross, I'm sorry, rebuttal, you know
5 what I mean, you're happy to do it.

6 Did you say something?

7 MS. SHIKUNOV: I'm sorry. I
8 need to project and my throat is
9 killing me.

10 We're good, caput.

11 MS. DIBIANCA: We can go off
12 the record.

13 THE VIDEOGRAPHER: Going off
14 the record at 5:32.

15 THE COURT REPORTER: Counsel,
16 just to confirm, as requested I will
17 deliver an expedited transcript to
18 Molly and, Erica, you would like to
19 order your transcript just regular
20 turnaround?

21 MS. SHIKUNOV: Yes.

22 MS. DIBIANCA: Yes.

23 (Deposition concluded at
24 5:32 p.m.)



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I N D E X

DEPONENT: MARNIE O'BRIEN PAGE

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E X H I B I T S

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1 State of Delaware)

2)

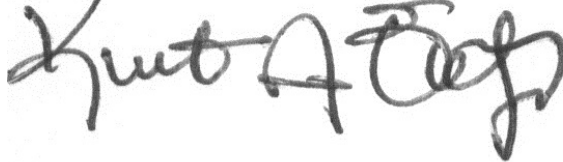
3 New Castle County)

4
5 CERTIFICATE OF REPORTER

6 I, Kurt A. Fetzer, Registered
7 Diplomate Reporter and Notary Public,
8 do hereby certify that there came
9 before me on Thursday, January 14,
10 2021, the deponent herein, MARNIE
11 O'BRIEN, who was duly sworn by me and
12 thereafter examined by counsel for the
13 respective parties; that the questions
14 asked of said deponent and the answers
15 given were taken down by me in
16 Stenotype notes and thereafter
17 transcribed by use of computer-aided
18 transcription and computer printer
19 under my direction.

20 I further certify that the foregoing
21 is a true and correct transcript of the
22 testimony given at said examination of
23 said witness.

24 I further certify that I am not
counsel, attorney, or relative of
either party, or otherwise interested
in the event of this suit.



Kurt A. Fetzer, RDR, CRR